

### **Medworth ISH2\_12 April\_PT3**

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00:00:05:18 - 00:00:37:11

Good afternoon, everyone, and welcome back to the issue specific hearing number two on the draft development consent or development consent order. Um. A couple of matters that are outstanding that I would like to pick up before I kick off for the substantive, substantive matters that we have left in today's agenda. So first of all, in there was an issue that we took away raised by Mr.

00:00:37:13 - 00:01:02:13

Andrew Fraser, occurred in relation to tomorrow's hearing and what item were within the hearing would be more suitable for concerns to be raised in relation to accessibility of the site. Um, and I would suggest, as I mentioned before, that, um.

00:01:04:22 - 00:01:24:21

Those issues are raised within compulsory acquisition Hearing two, which is the hearing that is due to start tomorrow at 2:00 in the afternoon. And perhaps considering that it is a site specific issue or sites that we actually take that under item four of the agenda. Thank you.

00:01:24:23 - 00:01:26:12

Very much. That's very helpful.

00:01:26:19 - 00:01:27:21

Thank you very much.

00:01:37:26 - 00:01:49:00

So without further delay, then I would like us to actually go into item ten, which will be scheduled 11 protective provisions. Um.

00:01:51:00 - 00:02:26:21

My questions are going to actually focus mostly on some of the information that we have received in relation to the Senate as informed within the agenda published um, Network Rail, written Representation and England Water Services Limited. But there is an additional question that I would like to ask as well, but I would state now that I do understand that perhaps is that most not covered in the published agenda. So if you then like to refer when to ask the question, if you'd like to then refer to written submission, then that will be acceptable.

00:02:26:23 - 00:03:03:01

But so I would like first of all to actually start picking up the issue. Um, a question for the applicant in relation to network rail starting in Rep 039 that protective provisions are required, but these are not yet agreed in order to protect network rail assets. Can the applicant please provide us with an update on that situation? And I'm asking particularly in relation to DCO issues, they're not issues which are obviously understand that are also outstanding.

00:03:08:03 - 00:03:46:09

Gary McGovern for the applicant? Yes. So the applicant submitted a document at deadline to and it's document reference rep 2-022, which was an overview summary of the status of negotiations with the various statutory undertakers in relation to all of the protected provisions, including the discussions with Network Rail. And the position set out in that document remains the current status that the solicitors for the applicants are continuing to negotiate protective provisions and the framework agreement with network rail solicitors.

00:03:46:15 - 00:03:56:13

Progress is still being made in that regard. We're not quite there yet, but we're remain confident that we reach agreement on those protected provisions within the time frame of the examination.

00:03:57:24 - 00:04:10:00

Um, right. And you don't have in your possession at the moment any sort of, uh, draft of those provisions.

00:04:12:06 - 00:04:48:00

Per project. The applicant at the moment the protected provisions included within. Part eight of Schedule 11 are network Rail's sort of standard protective provisions that they request in, in that their apparatus is affected by. We're not anticipating and we haven't been informed that they were require any amendments to the protected provisions to be included in the draft TCO on the basis that matters will be dealt with in a separate framework agreement between the applicant and Network Rail.

00:04:48:02 - 00:05:22:00

So at the moment the intention is for additional provisions to be dealt with in a separate side agreement and protected provisions on the face of the order to remain as they are. Obviously in the unlikely event that agreement is not reached by the end of the examination, then would anticipate that Network Rail would submit their preferred drafting of Part eight of Schedule 11. To the extent that they feel that it doesn't cover sufficiently their concerns. But most of the matters they raised in their written representation are already covered in those draft protected provisions.

00:05:22:02 - 00:05:27:18

For example, restrictions on the use of compulsory acquisition powers without their consent, etcetera.

00:05:28:18 - 00:05:39:24

Thank you for that update. That's really useful. Um, can I also ask the same question? But now in relation to Anglian Water Services please? And for an update on where we are with that.

00:05:46:24 - 00:06:27:00

And again, so Gary McGovern for the applicant again. So the position, as we said here today, is as outlined in the update that was provided in the deadline to submission and the applicant was provided with an updated template version of protective provisions which Anglian Water prepared to use in February. And the applicant has reviewed those protected provisions and had some minor comments and suggested amendments to protective provisions and those have been returned and shared with Anglian Water and the version of the protected provisions which are in the existing draft reflect, reflect the applicant's preferred position.

00:06:27:02 - 00:06:29:03

And we await comments back from Anglian Water.

00:06:30:01 - 00:07:00:20

Right. Okay. Thank you very much for that. Um, also I do note that on the latest version of the DCL, there have been substantial changes made in relation to protection of national highways. Um, would

could I just get an update? Um, mostly for context purposes from the applicant on that and where we are in terms of agreement.

00:07:00:22 - 00:07:23:20

Because I also note that instead of commonality of the statement of um, incident, of commonality of the statements of common ground, you have stated that agreement on some issues have not still been reached, but nevertheless there have been so substantial changes, I would assume, from looking at this on that. So could I ask the applicant to please explain?

00:07:25:28 - 00:08:06:06

The project, the applicant, the protected provisions that were included in the version of the submitted at deadline one were a previous set of protective provisions that national Highways provided the applicant with and were being negotiated. And that was at that point in time what we believe to be an agreed position. Since then, a national highways have requested further revisions and provided us with yet another version of their preferred status of protected provisions as part of a a nationwide update to their kind of approach to generally.

00:08:06:17 - 00:08:44:22

So we're currently in the process of working our way through their standard, their new standard form of protective provisions to establish which provisions are actually applicable to this development as opposed to development in much more interactions with the Strategic Highway Network. They've also provided us with copies of a bond and warranty documents that they would look to the applicant to agree to as part of a separate side agreement. So it is likely that the four that you currently see in part five of Schedule 11 will be updated quite significantly further.

00:08:45:08 - 00:08:59:15

I'm not sure that we will have had agreement by deadline three for the version that we're going to be submitting then, but it will definitely be in the next version of the DCA that we'd hope to have an agreed set of protective provisions. National Highway.

00:09:00:02 - 00:09:02:04

All right. Thank you very much for that update.

00:09:20:17 - 00:09:21:03

Um.

00:09:24:19 - 00:09:32:05

If I'm May. I know it's not. It's related with protection provisions, but no, it's not related with the specific

00:09:33:23 - 00:09:47:14

area of the DCO. But also note that in relation to the online construction traffic management plan supplied in line one, that would be rep zero ten. Um.

00:09:50:09 - 00:10:09:26

In paragraph 7.4. 29 to 7 to 31. I do believe that it mentions protective provisions in advanced notification requirements in relation to other affected businesses, including those located along Alagoas way. I was just wondering if.

00:10:12:26 - 00:10:26:29

The applicant is in a position to actually provide an update on that or if actually this is something that the applicant would be willing to take away and then come back to the on this matter in writing.

00:10:32:16 - 00:10:37:07

Gary McGovern for the applicant. Apologies, sir. Would you be able to give us those paragraph references again?

00:10:37:24 - 00:10:42:17

I believe 7.4. 29 to a 31.

00:10:44:03 - 00:10:44:21

Thank you, sir.

00:11:01:24 - 00:11:46:21

My project for the applicant and the applicant's preference is for any traffic related measures relating to Al Gore's way to be contained within the outline TMP. Obviously we haven't received yet any specific requests for amendments to the the new wording that's gone in there. But to the extent that any particular business owners along Al Gore's way require any additional measures to be put in place, then our position is that the outline is the correct place for those and that there isn't at the moment a need for bespoke protective provisions for the benefit of individual businesses along Al Gore's way.

00:11:46:24 - 00:12:13:24

And that would typically not typically be contained within a normally protected provisions are for the benefit of either statutory bodies or utility owners. Rather, although although there have been examples. But here we would assume that the measures that might affect any one business would be applicable to all of the businesses and therefore the is the appropriate place for those.

00:12:14:16 - 00:12:51:16

I accept that. I guess that my question is actually is informed by the unusual position that we are in in relation to Al Gore's way. Um, and the fact that obviously it is an adopted stretch of road, therefore the position and how we would look at this protected provisions in a normal day where all of the roads are adopted, at least two roads that have to provide access to other businesses are adopted is slightly different. So in light of that, I wanted to ask the applicant if he has any comments to make on this specific issue.

00:12:51:18 - 00:12:53:20

But my question was very much

00:12:55:07 - 00:13:10:21

linked with the fact that, um, I wanted to know if these, if this issue has actually been discussed with those businesses. Um, and what sort of communication has there been there?

00:13:17:21 - 00:13:53:05

To most of the applicants. Um, since the the, the floor hearings. We spoke to one of the business owners. We had a meeting on site to discuss how the access arrangements on Al Gore's way, um, interact with our proposed development and that was Macau's apples at the opposite the Al Gore's way entrance into the facility. There have been other discussions during post meetings with other owners of businesses on Al Gore's way, and we continue to remain open.

00:13:53:07 - 00:13:58:10

Should any other businesses wish to have a discussion with us in any further detail about these matters?

00:13:59:12 - 00:14:08:21

Um, just for clarification, you mentioned one business. Um. Have you just met one business or have you actually met more businesses?

00:14:09:24 - 00:14:30:13

Tim asked the applicant. We've met one business on site for a sort of a walk around on Al Gore's way. We have not. I'm not aware that we've met any other businesses on Al Gore's way to have a walk around and discuss the issues. But we have met or had informal meetings outside of after these sessions with other business owners following the open floor sessions.

00:14:31:04 - 00:14:34:01

Right. Okay. But it's.

00:14:34:10 - 00:14:39:03

Sorry, sir. Clearly, we'll have we can we can pick that up and.

00:14:40:14 - 00:14:41:04

So one second.

00:14:43:02 - 00:14:54:04

Oh, yes. Sorry. We've sent letters to the business owners down our causeway informing them of the. The matters that came up. Okay. And.

00:15:09:03 - 00:15:09:18

But.

00:15:12:09 - 00:15:16:09

That is fine. Thank you for that for that response.

00:15:20:17 - 00:15:27:25

Are there any further questions that anyone has on schedule 11 protective provisions? Before I move on to the next item.

00:15:33:02 - 00:16:13:24

Online. May asks if specifically anyone has a question. I don't think we do. So we'll actually move us on to item 11. That will be schedule 13 documents and plans to be certified. Um, on this specific point, I just wanted to rise. It's just one reference. Um, so table ten, schedule 13 documents and plans to be certified. It does. Table ten now includes the Carbon Capture and Export Readiness Reserve Space Plan, a first draft of which was obviously submitted at deadline two as the applicant rep.

00:16:13:26 - 00:16:29:29

Rep. Rep to o to four. Can ask if the applicant believes that table ten of the schedule 13 needs to be updated accordingly and will submit that.

00:16:31:13 - 00:16:36:01

Form the applicant. Yes sir, we spotted that ourselves and we will address that in the next version.

00:16:36:13 - 00:16:51:22

But and that was actually the only document that I wanted to pick up on. But I would like to ask if there are if local authority, local authorities have any comments to make in terms of Schedule 13 documents and plans to be certified.

00:16:54:20 - 00:17:06:07

I'll move us on then to item 12 consents, licenses and other agreements. So on item 12, can ask the applicant to please provide an update.

00:17:07:26 - 00:17:21:01

Um, to IP 0 to 6, which was the list of other consents and licenses. I'm particularly looking for an appetite from environmental agency internal drainage boards and Natural England.

00:17:31:20 - 00:18:13:03

Good afternoon, sir David Kenyon for the applicant. Um, so the, the, um, other consents and licenses document which is at 026 listed three additional consents that would or may be required as part of the application. Um, the first of those being the environmental permit. Um, as it stands at present, the situation are set out in that document hasn't changed. So the applicant did submit the environmental permit application in August 2022 and it's still waiting for that to be confirmed as being duly made by the Environment Agency.

00:18:13:19 - 00:18:38:07

And discussions have taken place in advance of that point in time. And um, additional information was requested by the Environment Agency to enable it to give that consideration of duly made. That information was submitted ahead of time back to the Environment Agency and we're now just waiting for them to confirm that the permit has been duly made.

00:18:39:02 - 00:18:48:12

And can I ask, do you have any information from the environmental agency in terms of what that license is likely to require?

00:18:50:01 - 00:19:13:23

There's a there's a there's a list of the there's a sort of a former the list of the information that requires with every environmental permits which we could provide. There is then that additional request that they made a couple of months ago, which we again provide additional information on as well. So we could we could combine the two and provide you with a list. Quite, quite easily, sir.

00:19:13:28 - 00:19:45:10

Right. I'm asking this question because actually on the document that we have both just referenced to, which is the list of other consents and licenses on paragraph two. Point two, point two. It states that in relation to the environmental agency, it is understood that it will not discuss the likelihood of consent prior to an application being submitted, but instead provides feedback for applicants to consider when developing an application for an environmental permit. Yeah. Therefore, I guess that my question is more to do with the feedback.

00:19:45:12 - 00:20:17:23

Okay. Sorry. Yeah. So that that sort of pre-application feedback. Um, so we did have meetings with the Environment Agency ahead of submission. We could provide notes, minutes of those meetings, um, as well. And then as the application goes in, you then follow a set performer which sets out the information it requires. But yes, we can provide that. We have also it's another the next item on the agenda and you may wish to take answer, but in terms of statements of common ground, we are again liaising with the Environment Agency on that.

00:20:18:03 - 00:20:43:11

Um, and what I was going to say at the next item on the agenda is that there are a number of items where we're seeking common ground through the DCO, where the agency has said that they would actually prefer to, to basically take them out of the common ground at the moment because there will be items that they would be considering as part of the environmental permit and they wouldn't want to sort of predetermined the permit as well.

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Um, okay. That's useful. We might reach that point to the next item as well. Um, and might.

00:20:50:26 - 00:20:51:11

Ask.

00:20:51:13 - 00:21:09:13

You for a confirmation of that situation. But in that case then if I can ask in relation, um, still to this substantial item in terms of consents and licences, if we could get an update from the internal drainage boards and where we are.

00:21:10:27 - 00:21:14:10

Okay intelligence bots and can then pick up.

00:21:14:20 - 00:21:17:28

So shall pick up natural England and then I'll turn him on.

00:21:18:18 - 00:21:24:22

Certainly asked for the three so. So if you would like to update on natural England now then that's acceptable.

00:21:24:24 - 00:22:00:28

With natural England. The position is set out in the document is that um, there's a potential for a species licence, but that is on it. If protected species are obviously identified on site as part of the environmental impact assessment. We did a number of surveys and we did not find any protected species on site. Um, that position and the results of those surveys has been sort of confirmed by natural England to extent that they are satisfied um, under relevant rep or zero 22 actually sets out their position in that regard.

00:22:01:14 - 00:22:35:01

Um, both natural England and ourselves therefore of the sort of same common ground really that um, we will do pre-construction surveys ahead of construction if the circumstances changed, protected species are identified and if anything it's most likely to be waterfalls. Um, then we will then um, submit a protected species licence to natural England. But as it stands at the moment, again, referring to the relevant rep, um, they're quite content with the, the situation that we're in at present.

00:22:35:13 - 00:22:38:01

The licence is required at this stage.

00:22:39:23 - 00:22:56:14

Um, that's useful. Thank you. And you have mentioned that as the works progress, you might need to re-evaluate the situation in terms of protected species. Can I ask how that will be carried out and where the process is set out for that?

00:22:56:25 - 00:23:38:21

So as part of the Construction Environmental Management Plan, there's a section on biodiversity and within that the applicant confirms and this is standard practice really, that you do preserve this before you start construction, because often you've done your environmental surveys, you know, a year or two in advance of construction to inform the application. So those surveys would be redone ahead of any construction commencing if there were signs of protected species on site at that point, then that information would be brought together in an application for a license, which would be sent to natural England.

00:23:38:23 - 00:23:45:12

Clearly works cannot then start until that license is then issued by Natural England.

00:23:45:14 - 00:23:50:07

Thank you. Um, now, can I then get an update, please, on the tunnel drainage boards?

00:23:51:07 - 00:24:37:24

Two marks for the applicant. In terms of the internal drainage boards. We've had extensive discussions with the middle level Commissioners and Water Management Alliance internal drainage boards over the past couple of years now. We have just received some comments on protective provisions that we will now review, and these are protective provisions which reflect the position of both the middle level Commissioners and Water Management Alliance. So from that, we will review those and hopefully we'll provide a further update in due course once we've met to discuss the protective provisions and some other technical points regarding how we culvert the drains and how we install the example of grid connection works along the a47 without UPS

00:24:39:22 - 00:24:48:01

in a suitable fashion. So I do understand Graham more from the middle level commissioners maybe here and may wish to comment as well.

00:24:49:03 - 00:24:51:09

Thank you. And.

00:24:52:28 - 00:24:54:00

At the moment.

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I don't believe that I have.

00:25:00:05 - 00:25:03:18

Any further questions on this specific point?

00:25:11:25 - 00:25:50:15

And actually apologies I do have. There was a point that I would like to clarify. So in response to the questions. One. Response. GCT 1.3. In response to that question, the applicant stated that it is currently in discussion with Cambridgeshire County Council regarding the need for an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 Secure Section 278 agreement between the applicant in Cambridgeshire County Council and the Highways Act relating to the access to the improvements and.

00:25:52:06 - 00:26:01:06

In the applicant. Please provide an update on where we are with that and then will turn to Cambridgeshire County Council as well. If there is any sort of information that you would like to make on this specific point.

00:26:04:09 - 00:26:44:20

Garner McGovern for the applicant? Yes. So the proposal to enter into a Section 106 agreement, a planning agreement under the Town and Country Planning Act, arose out of the discussion related to the Section 278 Highways Agreement. And it was a proposal that the applicant had suggested as a means of securing the requirement for the applicant to enter into the Section 278 agreement. And so the idea would be that the Section 278 agreement is negotiated into an agreed form and the Section



106 agreement would contain the obligation on the parties to enter into that Section 278 agreement in due course in that agreed form.

00:26:45:06 - 00:26:52:24

I understand there had been some discussion as to who would hold the pen and potentially produce a first draft of that.

00:26:56:01 - 00:27:07:10

From position do the drafting. The applicant would be happy to do that and includes move things along. But equally, if the council preferred to produce first draft, we'd be equally happy.

00:27:08:21 - 00:27:29:09

Um. Thank you. That is useful. And it's certainly corresponds to the notes that I have, which obviously include REP 030 from Cambridgeshire County Council in terms of that payment position. But can I just is, can I ask Mr. Andrew Urquhart if that is the confirmation as well that you have?

00:27:29:12 - 00:27:39:09

I believe that's the case. So certainly one and I'm just on the point about drafting. I mean if the applicant is in a position to do the drafting, it moves the process along because.

00:27:41:07 - 00:27:42:12

Then we have more resources than we.

00:27:44:25 - 00:27:51:18

Um. Right. Are there any comments that anyone would like to make on item 12 of the agenda?

00:27:54:23 - 00:27:55:24

Anyone online.

00:27:57:29 - 00:28:33:08

I can't see any hands raised, so I'm going to move on to then item 13 statements of Common ground relevant to the DCL. So in my review of the information submitted so far, it seems to me that out of all of the statements of common ground that were requested that the applicant develops with different organizations at the beginning of the examination, it appears to me from that review that there are still a couple of statements of common ground where there is a complexity of well, a number of issues that are complex and outstanding.

00:28:33:10 - 00:29:13:07

My list includes network rail host authorities, whilst the parish council Wisbech Town Council, environmental agency Natural England Anglian water hundreds of Wisbech. King's Lynn. Those are the internal drainage drainage boards and national highways. So, um. And ask. Um. What the applicant to provide an appetite on those statements of common ground where we are with each one of those.

00:29:13:09 - 00:29:24:20

And if there is any sort of estimate or further information that the applicant can share with the EXI in terms of when it expects these to be completed.

00:29:27:07 - 00:29:57:10

And Sir David Kenyon for the applicant. Um, just go through all the various parties to to the common ground starting at the top, so to speak. So at deadline two, we submitted signed statements of common Ground with East that's east of England Ambulance Service Trust and also with the House of the

Health Authority. Subsequent to that, we have now assigned a statement of common ground with historic England.

00:29:57:24 - 00:30:32:12

We are submitting that at deadline three. Um, with regard to natural England. Um, we have had further discussions with them. Um, the, the sole area really of that has yet to be agreed is around bag. Um, and we've mentioned earlier today we had a meeting last week with a with the host authorities to take that forward. So we hope that following that and further discussions, natural England, that we should have a statement of common ground signed with them.

00:30:32:14 - 00:30:33:27

Certainly the deadline for.

00:30:35:22 - 00:31:08:27

Um, in addition to that, then the Environment Agency mentioned earlier we've had additional discussions with the Environment Agency. They've asked for some clarification with regard to the drafting of some of the requirements and also as mentioned earlier, um, that they would like to of to take some information on some of the, some of the information out of the common ground because they feel it it may predetermine or suggest it's predetermined the the decision on the environmental permit.

00:31:08:29 - 00:31:43:12

So we can do that. Um if we don't get that done for deadline three and signed with the agency, we'll certainly have that the deadline for. And moving on. Wisbech Town council they wished to review the Woolford so the buffer that was updated and submitted at deadline to um prior to sort of re-engaging with the applicant. So we submitted that to them. Obviously we've asked for comments by the start of next week.

00:31:43:20 - 00:31:54:11

Um, I understand that's with the consultants at the moment. So we've just sort of wait to hear from Wisbech Town Council on that. Um, with, with Walsall can.

00:31:55:07 - 00:32:06:29

Sorry, can just clarify. So in terms of town council, um, the statement of commonality, the last version of that deadline, two states that.

00:32:08:18 - 00:32:13:15

With the exception of this description of proposed development, there are no areas of agreement. Is that still the case then?

00:32:14:27 - 00:32:33:02

It is at the moment in so much as they didn't wish to engage until they had sight of the updated water. So would hope with that information now we can move forward with them. But yes, we've we will continue to engage with them to see what we can agree. So.

00:32:34:19 - 00:33:16:22

Um with Walsall Parish Council, again referring to the of commonality that you'll see that Walsall can commented to is that they didn't feel qualified to comment on a lot of the technical matters, that they didn't have the experience and the knowledge to do so. Um, we have spoken to them and engage with them subsequent and will continue to do so, but suspect any signs common ground will be quite limited in terms of the areas that it covers and may be quite factual in terms of what sits within the parish and what sits without in terms of the proposed development, the grid connection primarily.

00:33:17:15 - 00:33:24:21

Um, so again, we hope to have something there, but again, possibly a deadline for deadline three.

00:33:26:12 - 00:34:07:24

Um, with regard to the, the, um, the host authorities should come on to next. Really. We've had a number of meetings, um, to discuss. Um, we've received comments from the host authorities and then there's a discussion last week again about how we actually set that, that common ground out because as you recall, it's a single document for the for hostile priorities. Um, what we've agreed as a group, the for authorities and ourselves is that we will split the table so it'll it will remain as one document, but we'll have CCTV and as one table and NCC and Kingsland as another.

00:34:08:04 - 00:34:16:18

Because again, if you look at the local impact reports, the quite different in terms of the areas that they are they're engaging with really just due to the.

00:34:17:02 - 00:34:21:11

In the comments that um they are covered in each one of those. Yes.

00:34:21:18 - 00:34:23:01

And the common things as well.

00:34:23:03 - 00:34:26:21

Yeah. The range of issues that are covered on the local impact report.

00:34:26:23 - 00:34:38:12

Yes. Will be the same. So we're currently redrafting that at the moment and then we will submit that back. We've agreed to submit that then back to the host authorities. So I think realistically that will be a deadline for submission.

00:34:40:11 - 00:35:10:15

Um, we then move on to network Rail, national highways, Anglian Water and the IDB. So you'll have heard just earlier on with regard to protective provisions that we are continuing to discuss with those organisations, the protective provisions and in the case national Highways, we have a new set. So um, in terms of the statement of common ground, they haven't progressed other than the work to arrive at common ground is progressing the protective provisions. So work is ongoing.

00:35:10:21 - 00:35:18:18

Um, again, I would expect deadline for would be the earliest that would get some of those statements common ground across to.

00:35:20:09 - 00:35:22:29

Thank you very much. Um.

00:35:25:02 - 00:35:29:15

Are there any comments that anyone would like to make on item 13 of the agenda?

00:35:34:02 - 00:36:11:01

I will move us on then to item 14 review of issues and actions arising. So we have been making notes of the actions mentioned following from today's meeting, but I don't intend to go through them now. But what we'll be doing will be writing those up and publish them as soon as practicable as we did for the previous set of hearings. So we'll follow the same process. Um. And. What are there any comments that anyone would like to make on that specific issue? While we are all in agreement that that would be a suitable way forward.

00:36:12:22 - 00:36:21:15

I see nods of agreement. No disagreement, so I'll take that as read. Item 15. AOB Any other business?

00:36:22:06 - 00:36:29:18

So yes. So we have two three items relating to and drafting which you'd like to raise that if we may.

00:36:29:29 - 00:36:34:15

Yes. Can I just ask you for the sake of the recording, if you could. Sorry.

00:36:34:18 - 00:36:37:24

Forgive me. Andrew Fraser for the council. Thank you. Um.

00:36:39:11 - 00:36:48:28

So the first is very simple. Um, if we could look, please. And at.

00:36:51:19 - 00:37:00:21

The schedules for. Five and Torrey schedules three.

00:37:02:13 - 00:37:03:05

Four.

00:37:03:25 - 00:37:19:18

Five. And. Six and seven. A very simple point. These identify within them. Various streets which are subject to different.

00:37:21:04 - 00:37:22:17

Street works and the like.

00:37:22:19 - 00:37:33:02

Yes. Sort of three streets subject to. Exactly. Street works for subject to permanent alterations of layout five. Subjects. Temporary alterations of layout.

00:37:33:04 - 00:37:56:06

Yes, sir. And we've just had a request stroke suggestion from my highway colleagues that after each of the roads identified that its status be put in brackets. So a highway named. Exactly. Highway or whatever it might be. Um, it won't take very long to do and it just might be give clarity to readers of the order. Okay.

00:37:56:08 - 00:37:59:07

Can ask the applicant to comment on this specific point, please.

00:38:00:10 - 00:38:04:23

Agony for the applicant can't see us having any difficulty with accommodating, of course.

00:38:04:27 - 00:38:21:17

So thank you very much for confirming that can actually get an action please and as well for the applicant to update schedule B for in five. Is that correct? I believe so. Mr..

00:38:21:20 - 00:38:24:28

I think it's 3.5.

00:38:25:10 - 00:38:26:19  
3.5, three.

00:38:26:21 - 00:38:29:15  
Four, five and six as well.

00:38:29:24 - 00:38:30:22  
Oh six as well.

00:38:31:06 - 00:38:31:21  
Yeah.

00:38:31:23 - 00:38:39:02  
And seven does include temporary prohibition or restriction. Yeah. Seven and seven as well.

00:38:39:04 - 00:38:40:00  
Three through seven.

00:38:40:05 - 00:38:45:22  
3 to 7. So so schedules 3 to 7 to actually include the status of. Well.

00:38:47:10 - 00:38:55:08  
Thank you, sir. And the second one arises out of schedule 12, please schedule 12.

00:38:58:25 - 00:38:59:17  
It's one of my.

00:39:03:27 - 00:39:05:10  
Being the.

00:39:10:09 - 00:39:40:09  
The pre the procedure for the discharge of the requirements and it comes under. Um. Paragraph three Further Information and consultation. And specifically. Within Section three, which is the request. Where? Where there is a process of discharge occurring and there's a request for further information.

00:39:41:18 - 00:40:12:27  
Um, and in certain circumstances that information can be requested directly by the relevant authority. But in other occasions there may need to be consultation with other statutory consultees. And it's a question of the timescales during which these things need to be provided. There are two points to make. The first and so you have a wry smile. You see the five, which is pretty tight, frankly.

00:40:12:29 - 00:40:36:20  
And the other point about it is that there's no flexibility built into the drafting. So there's no, you know, unless otherwise agreed. And we would respectfully ask that the five days be extended to 15 days and that there'd be reason also in the drafting for unless otherwise we'd.

00:40:37:25 - 00:40:40:09  
Can ask the applicant to comment on that, please.

00:41:04:09 - 00:41:25:18  
Gary McGovern for the applicant. Think we're comfortable with those proposals? Certainly we have no issue with the unless otherwise agreed. That seems very sensible and content with 15 business days

and we might just want to reflect and consider how that all fits together with the overarching timescales and the schedule and make sure it all still works.

00:41:25:27 - 00:41:28:06

And we think.

00:41:28:08 - 00:41:42:26

In principle then yes, but subject to further confirmation in time to actually examine if there are any further implications within the DCO. Is that. Yes. Okay. So it would that be acceptable? Absolutely. County Council.

00:41:43:19 - 00:41:44:04

Thank you.

00:41:44:06 - 00:42:00:15

Can I get an X and then please for the applicant to update schedule 13. Um. Paragraph three. Further information and consultation in relation to.

00:42:01:18 - 00:42:02:03

Um.

00:42:02:08 - 00:42:06:07

Dates from five business dates to 15 business dates.

00:42:07:11 - 00:42:07:26

12.

00:42:08:10 - 00:42:09:00

Oh, sorry.

00:42:09:02 - 00:42:20:00

Apologies. 12 Subject to confirmation and further checks. Um, from the applicant in relation to any impact there might be in other areas of the DCO.

00:42:21:09 - 00:42:28:26

McGovern for the applicant. So just before you move on, so one of her items of any other business actually relates to this same schedule.

00:42:29:13 - 00:42:39:24

And before I do, can I just ask Mr. Andrew Fraser if you have any other businesses that you would like to or is that this is.

00:42:39:26 - 00:42:42:08

The two points had? Thank you very much. You're welcome.

00:42:43:03 - 00:42:44:04

Thank you. Please.

00:42:44:16 - 00:43:04:09

So the applicant is proposing an amendment to earlier paragraph two of schedule 12, where there is reference to a period of nine weeks being a timescale and in light of concerns that had been raised about that timescale, the applicant is proposing to amend that to 12 weeks in the next version of the.

00:43:05:29 - 00:43:11:01

And. Okay, thank you for that. Can we get that recorded as an action, please?

00:43:14:09 - 00:43:19:01

And is there any other point. Any other from the applicant?

00:43:20:06 - 00:44:03:06

Gary McGovern. From the applicant? Yes, sir. And we have another amendment which we're proposing to make to the next draft of the. And it responds to the comments in the Environment Agency's deadline to submission. And it relates to Article six of the order which applies certain legislative requirements which may otherwise have required other consents to be obtained. And the Environment Agency had requested deletion of paragraph two of Article six, which relates to flood risk, environmental permitting requirements, and the applicant is content to delete that paragraph in line with the Environment Agency's request.

00:44:06:14 - 00:44:09:08

That request came from the Environment Agency. Yes.

00:44:09:10 - 00:44:10:29

And the deadline to submission.

00:44:11:23 - 00:44:36:06

Um, okay. I will allow that. But I would actually apologize if I have missed it, but I don't remember seeing that request. So can I just ask the applicant to submit that request to the examination so that we can track the issue if you haven't already done so? But if you have, then it might be worth just pointing the examining authority to where we can find that specific request.

00:44:38:19 - 00:44:46:11

It's in the Environment Agency's deadline to submission. Yes, I'm colleagues looking for the reference number for you.

00:44:46:13 - 00:44:47:09

Thank you very much.

00:44:50:06 - 00:44:53:09

And any other business from the applicant.

00:45:27:21 - 00:45:31:25

So just to provide that reference number, it's REP to 34.

00:45:33:01 - 00:45:34:19

Web two, Dash 34.

00:45:38:04 - 00:45:38:24

Thank you.

00:45:43:28 - 00:45:45:00

Any other iob.

00:45:48:06 - 00:45:52:06

Yes. Mr. Nick Johnson, I believe. Yes.

00:45:52:08 - 00:46:27:18

Yes. Johnson. Norfolk County Council. Yes. I think most of the issues actually have been covered. They do relate to, um, schedule 12, Article 44 and obviously thank the applicant for extending the period of determination from 9 to 12 weeks, which I think will be supported by Norfolk County Council, will help practically with the determination of applications. I did have a stiffer line on the limited time period for asking for additional information on the basis that if information is needed to determine the application, it's needed.

00:46:27:20 - 00:47:08:12

And doesn't the fact that it's not been asked for on day 15 or day 16 is irrelevant. It is still needed, but I think it would be churlish of Norfolk. Bear in mind that the lion's share of the work is going to Cambridge to be pedantic on that point and stick on that point. So it just goes to the final one really, which is a matter of principle. Is that, um, is it appropriate that matters, get deemed approved for administrative issues. And I would and I've raised that point in the examining questions and um, I'm not sure it is in the public interest, but administrative error occurs through no fault of those that an application is approved or without the proper scrutiny.

00:47:08:16 - 00:47:14:18

It's just a matter of scrutiny and protecting the environment and protection of interest.

00:47:16:17 - 00:47:29:29

A thank you for that specific point. Can I just ask for clarification? So obviously, the first point that you have mentioned in terms of dates is related to, I believe, to schedule 13.

00:47:31:17 - 00:47:36:12

Is that our scheduled 13 to do policy? It's the determination of requirements.

00:47:38:06 - 00:47:39:12

It's schedule 12.

00:47:40:00 - 00:47:41:06

To schedule 12.

00:47:42:25 - 00:47:43:18

Schedule 12.

00:47:44:00 - 00:47:45:21

Schedule 12. Article 44.

00:47:49:02 - 00:47:51:03

And the second point does it.

00:47:52:18 - 00:47:58:01

Said I'll be we defer to Cambridgeshire if they were happy with the amended drafting.

00:47:59:02 - 00:47:59:17

Um.

00:48:00:09 - 00:48:25:03

Additional timescales for additional information, we would concur with Cambridgeshire. And the final point I noted was the fact that there was still a clause or the approved or deemed approval. They



should wasn't given and it hadn't been declared as a new or changed environmental impact as a result of the submission and thought that was not cautioned anyway.

00:48:25:20 - 00:48:29:17

It's about the clause. Can you just mentioned which clause it is?

00:48:30:08 - 00:48:31:22

Can indeed it's.

00:48:34:04 - 00:48:38:24

Close. Two, three. Believe, isn't it?

00:48:47:16 - 00:48:52:17

It's two sub clauses A and B one is if the applicant determines that it has.

00:48:54:13 - 00:49:10:16

Net environmental impacts that are different or new and be as if the planning authority determines has new environmental impacts. And the default is if neither of those reports are made it, is it onto the final paragraph? The application is deemed to be approved.

00:49:34:09 - 00:49:44:15

Um, okay. Thank you very much for that information. Um, Mr. Johnson, can I ask the applicant to respond to that point, please?

00:49:47:02 - 00:50:22:07

Connie McGovern for the applicant. The. Deemed consent requirements are limited, as Mr. Johnson set out to two particular scenarios. And so it deemed approval would only be in a situation where, as Mr. Johnson said, there would be no new materially new and materially different environmental effects compared to what had previously been assessed. And the requirements are this process is in there in order to ensure that requirements can be dealt with efficiently in the context of a nationally important infrastructure project.

00:50:22:09 - 00:50:37:28

And there was precedent for similar types of schedule being used in various orders and in similar form. We've seen in, for example, the Riverside Energy Park Order 2020 and it will be to three generating Station Order 31.

00:50:39:02 - 00:50:40:18

Okay. Thank you very much.

00:50:41:13 - 00:51:10:07

So just on this point, I'm Andrew Fraser for the councils. It seems to me that this is subparagraph two which sets out the deemed this would seem to me to be one that would benefit enormously from a unless otherwise agreed vision. There might be circumstances in which it was perfectly a perfectly good reason. Periods extend beyond 12 weeks. But. Well, he's at the moment. We don't have any power to agree. Qualification to that.

00:51:11:04 - 00:51:17:09

There is C of paragraph two, which refers to such longer periods may be agreed in writing.

00:51:23:24 - 00:51:24:09

Till that.

00:51:33:28 - 00:51:38:28

Please to McGovern. Sorry, just to clarify that you mention see paragraph two.

00:51:39:02 - 00:52:01:14

And paragraph 21C and so the period of nine and well, now 12 weeks as we proposing begins with. And then you have Lim Lim B, and then lim C refers to such longer period as may be agreed in writing. So there is the opportunity for the applicant and the council to agree a longer period of time.

00:52:03:10 - 00:52:05:04

And thank you. Thank you for that.

00:52:07:07 - 00:52:12:02

And any other business then from anyone in this room.

00:52:14:16 - 00:52:21:08

Now, may I ask if there is anyone joining us online today that would like to raise any other business at this point?

00:52:26:11 - 00:52:33:27

Now, I don't see any hands raised, so I'll move us on to item 16 then. Closure of hearing. So thank you.

00:52:33:29 - 00:52:49:16

Sorry, just one. One is kind of not is our other business but not understand that the next series of hearings the. Issue specific hearings are going to have to be virtual only because of the non-availability of the room. Is that is that correct?

00:52:50:16 - 00:53:21:22

And so when we issued notification for these hearings, we have also within that letter made clear that we are proposing those hearings to be virtual only. So they will have no in-person component. That issue was stressed several times within the PM and asked several times if people would object to that situation and no one objected to a virtual only hearing.

00:53:21:24 - 00:53:35:28

Also, I must highlight that it's it's it's practice that since COVID it has happened on several hearings as well. Okay. Just to clarify.

00:53:37:06 - 00:53:54:14

I'm only asking as counsel for Fenlon on the basis that might be able to apply some pressure to my own clients to come up with a venue if it's felt desirable to have them in person, which I think it generally is. And I have to confess, I must have been asleep at that part of the meeting because don't remember that. But.

00:53:55:22 - 00:54:08:17

I believe that you are referring to the issue specific hearing three, four and five that at the moment is programmed to be used at 16th of my Wednesday at 17. That's right, because they will move Thursday.

00:54:08:19 - 00:54:10:05

Following preliminary meeting of May.

00:54:10:19 - 00:54:16:22

That is correct. Correct. And they are proposed and have been notified as being virtual only.

00:54:20:04 - 00:54:20:19

Very well.

00:54:26:08 - 00:54:40:15

All right. So the applicant. So. So just before you move on, just just to intimate that the applicant would certainly have no difficulty with an in-person event in the event that suitable accommodation could be found that match the dates that have been set.

00:54:41:20 - 00:54:53:14

Certainly there are other considerations of other organizations. Obviously pins being one of them, and notification has actually been given on those hearings. So.

00:54:55:00 - 00:54:55:15

I.

00:54:55:18 - 00:55:01:24

I don't. A notification has actually been given of that point, So.

00:55:03:15 - 00:55:36:22

That that that issue was actually raised at several points during the meeting. So I don't that that is decision that we have made at the moment. But item 16, closure of hearing. Thank you all for contributing so fully and usefully to this meeting. We will consider our submissions made carefully. The next hearings in this examination are compulsory acquisition hearing one, which is due to begin tomorrow at 10 a.m.,

00:55:36:24 - 00:55:58:27

followed by the compulsory acquisition hearing two, which will begin tomorrow at 2 p.m. Both hearings will be held as hybrid events, so a virtual and an in-person component. The time is now 1526 and the specific hearing two for the met with energy from CHP Limited is now closed. Thank you.