

Medworth ISH2_12 April_PT1

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FULL TRANSCRIPT (with timecode)

00:00:04:29 - 00:00:17:28

Good morning, everyone. Can I just confirm that everybody can hear me clearly? Yes. Thank you very much. Can I also confirm with Stuart Avis that live streaming and recording of this commenced?

00:00:21:12 - 00:00:45:06

Those people watching live the live stream can ask can also advise that should we at any point adjourn proceedings this morning? You'll have to stop the live streaming in order to give us clear recording files as a result point at which we recommend the meeting and restart the live stream. You need to refresh your browser page to view the restarted stream. I will remind you of this again should we need to adjourn?

00:00:48:20 - 00:01:11:03

It is now 10:00 and it's time for this hearing to begin. I would like to welcome you all to the issue specific. Hearing number two, on to draft development consent order in relation to an application made by Midwest Limited, referred to as the applicant or an order granting development consent for the Midwest Energy from Waste combined Heat and Power facility.

00:01:12:18 - 00:01:27:17

The development proposed comprises the construction operation and maintenance of the energy from Waste combined Heat and Power facility with associated grid connection, CHP connection Water Connections. Access improvement in temporary construction Compound.

00:01:29:08 - 00:01:47:21

Thank you all for attending this hearing. My name is Andre Pinto and am a charter town planner employed by the Planning Inspectorate, and I have been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel to examine the application. And I am now going to ask my fellow panel member to introduce herself.

00:01:49:06 - 00:02:03:17

Good morning, everyone. My name is Clemmensen. I'm a chartered town planner employed by the Planning Inspectorate, and I've been appointed by the Secretary of State for levelling up housing and communities to be part of the panel to examine this application.

00:02:06:11 - 00:02:06:29

Thank you.

00:02:08:27 - 00:02:40:04

Together, we constitute the examining authority and we will be reporting to the Secretary of State for energy security and with accommodation as to whether the development consent order should be made. The case manager for this project is Tracy Williams. Tracy is being supported here today by Ms. Ellis and Mr. Benson, and Mr. Taylor is providing support remotely. If you have any queries about the examination process or the technology we are using for virtual events, they should be your first point of contact.

00:02:40:13 - 00:02:56:04

The contact details can be found at the top of any letter you have received from us or on the project page of the National Infrastructure website. I will now hand over to Mrs. Megson, who will talk us through the rest of the item of Agenda one. Thank you.

00:02:56:27 - 00:03:32:15

Okay. Thank you, Mr. Pinto. Can first of all, just check Everyone can hear me clearly. Okay, great. So I'll now deal with a few housekeeping matters for those attending in person. Can everyone please set all devices and phones to silent? The closest toilets are outside of this room through the same door you use to enter the room straight on into the left. There are no fire evacuation tests planned for today. Should the fire alarm sound, please make your way to the nearest fire exit door and make your way downstairs to the right hand side of the building.

00:03:33:11 - 00:04:05:10

The fire evacuation assembly point is by the lamppost with the red and green signs. Today is a blended event, and it comprises an in-person meeting as well as a virtual event being held on the Microsoft teams platform. For those people observing or participating through teams in order to minimize background noise, can you please make sure that you stay muted unless you're speaking? If you're participating virtually and you wish to speak at the relevant point in the proceedings, please use the hand up function.

00:04:06:08 - 00:04:37:21

Please be patient as we may not get to you immediately, but we will invite you to speak at the appropriate time. I would also like to remind people that the chat function on Microsoft teams has been deactivated. But please don't try to use this at any point. If you do manage to ask your question or raise your point, if you don't manage sorry to manage to ask your question or is your point at the relevant time, there will be an opportunity at the end of the meeting to raise this under agenda My agenda item 13.

00:04:38:19 - 00:05:08:21

We'll seek to allocate sufficient time to each issue to allow its proper consideration and we propose that the day will be split into three sections. Each of the sessions approximately an hour and a half to two hours. At the completion of this session at around 1130, we would have a break of approximately half an hour before resuming at 12 and continuing until 130. Should we need it? The final session of the day will take place between 2:30 p.m.

00:05:08:23 - 00:05:15:21

until 5 p.m. at the latest. We will, however, be flexible about these timings. Thank you.

00:05:17:18 - 00:05:51:03

We will make sure that however you've decided to attend today, you'll be given a fair opportunity to participate. In addition to the live stream, a recording of today's meeting will be made available on the Med with energy from Waste combined Heat and Power Facilities section of the National Infrastructure Planning website as soon as practicable after the meeting has finished. With this in mind, please ensure that you speak clearly into a microphone dating your name and who you are representing each time before you speak.

00:05:51:27 - 00:06:21:12

For those at the table. You can do that by pressing the large button at the base of the microphone. And if you're not at a table with a microphone, there is a roving microphone. So please wait for one of these to be brought to you before you speak. If you're attending virtually and don't want your image to

be recorded, please turn off your camera. And for those in the room who do not want to be recorded, there is an area at the very back of the room out of camera shot. So please use that area.

00:06:23:05 - 00:06:56:19

Because the digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which the general data protection regulations apply. Only in the rarest of circumstances might we ask you to provide personal information of the type that most of us would prefer to keep private or confidential? Therefore, to avoid the need to edit the digital recordings, please try your best not to add information to the public record that you would wish to be kept private or that is confidential.

00:06:57:21 - 00:07:14:08

If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. The planning Inspectorate's practice is to retain and publish recordings for a period of five years from the Secretary of State's decision.

00:07:16:06 - 00:07:37:13

A link to the planning Inspectorate's Privacy Notice was provided in the Rule six letter, and I assume that everybody here today is familiarise themselves with this document which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Tracie Williams if you have any questions about this.

00:07:39:05 - 00:07:58:28

This meeting will follow the agenda as published on the 3rd of April 2023. And it would be helpful if you have a copy of this in front of you. The case team will now display the agenda on screen. You can see they've done that. And just confirm, does anyone not have access to an agenda?

00:08:02:16 - 00:08:34:03

Okay. Just to briefly summarize the agenda, item one that we're doing now is welcome and introductions. Item two will cover the purpose of this issue specific hearing and items. 3 to 9 will cover the articles and schedules of the draft development consent order. Item ten will cover protective provisions. Item 11 will cover the documents and plans to be certified. Item 12 will cover consents, licenses and other agreements.

00:08:35:11 - 00:08:38:20

Item 13 will cover statements of common ground relevant to the.

00:08:40:12 - 00:09:23:05

Item 14 will review the issues and actions arising. Item 15 is any other business, and item 16 is closure of the hearing. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritize matters and to defer other matters to written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then please can you just indicate that you need to respond in writing? We will advise you when it would be the best time to submit your response or issue in writing to us.

00:09:24:26 - 00:10:08:24

Following the publication of the agenda, the reader received an additional submission from Cambridgeshire County Council, which has now been published under REF 014. This suggests a series of additions to the agenda. The Accesories reviewed this and would encourage Cambridgeshire County Council to raise any substantive issues under item 15. Any other business or item three of the agenda. If these issues are specific to the wording of certain articles in the OR which will not be

covered in items 4 to 13 of the agenda, they will then make a decision if those items are best answered as part of this hearing or subsequent hearings.

00:10:10:06 - 00:10:15:03

Thank you. Does anyone have any questions on what we've just set out?

00:10:16:15 - 00:10:36:28

And forgive me, ma'am. Andrew Fraser, Urquhart King's counsel representing Cambridgeshire County Council in Fenland for the tape will just say the councils hereafter. As we discussed at the last occasion, the agenda that you read doesn't tally with the one that was sent out to the police. I think certainly the one that came to me.

00:10:37:05 - 00:10:38:00

Is it the numbering?

00:10:38:02 - 00:10:39:14

Yes, there's some additional items, but.

00:10:40:05 - 00:10:48:05

No, I think there were two item three listed. Um, it was a typing error on Unreal Engine. No.

00:10:48:07 - 00:10:48:26

Yes, there are three.

00:10:49:02 - 00:10:58:20

So we just. We've just corrected this on the summary and the one that's on the screen, just to be clear. That's right. Yeah. Apologize for the for the error in in that numbering.

00:10:59:29 - 00:11:00:14

Okay.

00:11:03:03 - 00:11:33:25

Okay. So I'm now proposed to move on to introductions. I'm I'm going to ask you now, those of you who are participating in today's meeting to introduce yourselves, when I state your organization's name, could you introduce yourself stating your name and who you represent and which agenda item you wish to speak on? If you're not representing an organization, please confirm your name, summarize your interest in the application and again confirm the agenda item upon which you wish to speak.

00:11:34:21 - 00:11:46:04

Please, could everyone also state how you wish to be addressed, i.e. Mr.. Mrs.. Ms. is can we start with the applicant then please, and any of their advisors.

00:11:47:20 - 00:12:20:02

Good morning, ma'am. My name is Gary McGovern. I'm a partner with Pinsent Masons LLP Solicitors for the Applicant and Members Limited. I'm happy to be addressed as Mr. McGovern, and I'll take the opportunity to introduce the team that are sitting to my left And to my immediate left is Ms.. Claire Broderick, Ms.. Broderick Senior Associate for Pinsent Masons, and also representing the applicant to Ms.. Broderick's left is Mr. Tim Marks, head of planning for the applicant.

00:12:20:09 - 00:12:43:01

And to Mr. Mark's left is Mr. Paul Keary, who's the Managing director for the applicant. And to Mr. Katie's left is Mr. David Kenyon, who is a technical director for WSP, environmental Consultants for

the Applicant. There are others in the room with us today, but we will introduce them if there's a need to call on them to speak. Thank you.

00:12:43:03 - 00:12:58:03

Okay. Thank you. Thank you. Good morning to you all. Um, can we now move on to the organizations and individuals that have given notice of their intention to speak? Um, if I could start with the councils.

00:13:00:00 - 00:13:21:08

Thank you, ma'am. Yes, again. Andrew Fraser, Urquhart King's counsel. I'm speaking for Cambridgeshire and Fenland. The councils have various officers who may or may not be called forward to give assistance on detailed matters. If I may, I'll introduce them at the time as they come forward, rather than running through a whole list of possibles that were now.

00:13:21:12 - 00:13:22:15

Yes, that's fine.

00:13:24:06 - 00:13:28:07

And believe we have someone here from the Borough Council of Kingsland in West Norfolk.

00:13:30:15 - 00:13:33:15

No. Yeah. Yeah. Um.

00:13:35:09 - 00:13:55:09

Yeah. My name is Dave. David Alford. Happy to go by the name of Mr. Alford. Represent, as you said, Kingsland, West, Norfolk Borough Council. I'm a senior environmental quality officer. But just like, to the point I'd like to discuss is requirement 27 specifically within the draft.

00:13:57:08 - 00:13:59:15

To do with the air quality monitoring strategy.

00:14:03:05 - 00:14:04:03

Thank you for that.

00:14:11:06 - 00:14:22:12

Okay. Now, if I could ask if there's anyone else in the room today who wishes to speak, if they can let me know now and again. If you can introduce yourself and let us know on which agenda item you would wish to speak.

00:14:24:26 - 00:14:45:01

Uh, good morning. My name is Nick Johnson. I'm head of planning for Norfolk County Council, and Mr. Johnson will be perfectly sufficient. Um, I'm here to respond to questions on behalf of the County Council. And specifically, I'd just like to raise some comments regarding schedule 12, Article 43, which I think looking at agenda would come on to any.

00:14:49:09 - 00:14:52:21

Okay. Thank you. Is there anyone else in the room?

00:14:57:04 - 00:15:12:21

Okay. Thank you. Now, if I could move on to virtual attendees, if you are with us on Microsoft teams today and wish to speak, please could you raise a virtual hand? And again, if you could introduce yourself and let us know the agenda item on which you would wish to speak.

00:15:16:29 - 00:15:19:08

Okay. Don't see any raised hands.

00:15:21:02 - 00:15:21:17

Three.

00:15:24:01 - 00:15:31:02

Okay. Thanks for everyone for your introductions. I'll now hand over to Mr. Pinto, who will lead on item two, the agenda.

00:15:35:23 - 00:16:11:15

Thank you, Mrs. Makinson. So I'm going to take us through item two, which is purpose of the each specific hearing. So the purpose of the issue specifically here is to undertake the examination of the draft development consent order articles and schedules, as previously mentioned. And an agenda for this meeting was published on the 3rd of April 2023. Today's hearing will be a structured discussion led by the Examining Authority. Please be assured that we are familiar with what you have already submitted to us so you don't have to repeat in length anything that you have already put to us in writing.

00:16:11:27 - 00:16:39:10

Submissions carry equal weight regardless of the format in which they are put to us. If you do refer to any documents this morning, it would be helpful if you could give us the correct examination library reference number. Please do try to avoid using any acronyms as people who might be watching in the room might not be as familiar with those terms as you are. Are there any comments anyone would like to make on item two of the agenda?

00:16:43:22 - 00:17:21:19

I don't see any hands raised, so I'll move on then to item three, which is articles and schedules of the draft development consent order or DCL, excluding articles 3 11, 12, 13, 25, 28 and 32 and schedules two, six, seven, ten and 11. So on this item, I propose that we discuss any outstanding issues apart from the articles and schedules that I have listed in the heading of the agenda item that its interested parties and other persons might have with the draft DCO.

00:17:22:05 - 00:17:59:05

Before I start, it might be useful for me to mention some key documents that I'll be referring to throughout the hearing, not just on this item, but actually throughout the whole of the hearing which participants may or may wish to have access to. These are the latest version of draft development consent order revision two, which in the track version references Web 1006 Clean version 1007. Schedule of changes submitted at headline two rep to 018, particularly Table 2.2 Schedule of changes to the draft development Consent Order.

00:18:00:25 - 00:18:16:06

The latest version of the Explanatory Memorandum Library Reference app. Zero 14. The Applicants Comments on Relevant Representations Part one Local Authorities and three statutory parties that will be up one zero 28.

00:18:20:04 - 00:18:55:09

National policy Statement Track the trip 1052 Applicants response to the to the Cambridgeshire County Council and Fenland District Council's Local impact report that will be rep to zero 20. The applicant's response to the host Authority's summary of relevant representations that would be wrapped to 0 to 5 Cambridgeshire County Council and Fenland District Council's response to the exercise First written questions that will be wrapped to 030 Cambridgeshire County Council and Fenland District Council's comments on the applicants.

00:18:55:13 - 00:19:07:27

One submission that will be read to 031 Land plans ref 1004 and then outlined construction traffic management plan that is rep zero ten.

00:19:09:17 - 00:19:38:19

Cambridgeshire have also suggested Cambridgeshire County Council and Fenland District Council's relevant representation. That would be R002 and RR 003, which is the same document. And then Cambridgeshire County Council and Fenland District Council's Local Impact report, which is 1074. Um, would anyone like to add any further information on this point? Or are we all clear in terms of the key documents?

00:19:43:05 - 00:20:05:09

Not Excellencies. Clear. So I will press on. So my first question then that I would like to start with is for the applicant. And can the applicant please start by briefly commenting on their approach to the identification of articles and schedules to address the proposed development and how this work has been carried out.

00:20:09:09 - 00:21:13:07

Gary McGovern for the applicant? Yes, sir. The order before the examination has been drafted, having regard to Pin's guidance contained in advice notes, 13 and 15 practice and precedent from other relevant made development consent orders in particular, and made developments and orders for energy from waste facilities. And a number of those orders are referenced in the explanatory memorandum which would direct interested parties to which, while still reflecting revision, one of the draft order is still a useful provision of detail as to the purpose and background, the number of the articles and provisions of the order and that is and document reference 014 and as explained in the explanatory Memorandum, consideration and preparing, the order has also been given to the model provisions which are contained in the infrastructure planning model provisions England and Wales Order 2009.

00:21:13:21 - 00:21:31:13

And that's notwithstanding that, as we sit here today, there is no legal requirement to have regard to those model provisions, but it's still common practice to use the model provisions as a reference point to draw from drafting and having started from that

00:21:32:29 - 00:21:44:20

base position, if you like. So the articles and provisions in the order have then been tailored to reflect the particular requirements and the particular characteristics of the proposed development.

00:21:46:06 - 00:22:03:20

Thank you very much for that. Um, it also note that the applicant has recently introduced a brand new article into the which would be Article 22, I believe, removal of human remains. Is that case?

00:22:04:01 - 00:22:06:27

Carroll McGovern? That's correct. Yeah. Okay.

00:22:06:29 - 00:22:25:14

And according to the sketch of changes that would be wrapped to all 18, this article was included in response to comments by the Fenland District Council and based on a model provision included in Article 12 of, I believe, the Little Krell Solar Park Order 2022. Is that case? That's correct.

00:22:25:16 - 00:22:26:16

Sir. Right.

00:22:26:26 - 00:22:41:04

Um, in that case, can I actually start by asking Fenland District Council or the council's cell? Mr. Andrew Fraser ERCOT, if you could, if they are happy with the current wording of this new article.

00:22:44:18 - 00:22:47:12

So I've had no instructions to close it.

00:22:47:23 - 00:23:00:07

Okay. Thank you very much for that. In considering that Article 22, paragraph 16. Uh, bear with me, please. Certainly will try and find that specific paragraph.

00:23:10:29 - 00:23:40:11

Yes. So paragraph 16 proposes that the town and country planning burial ground regulations 1950 do not apply to the authorized development. Um, can I ask the applicant if the removal of religious artifacts or any artifacts that are found alongside any human remains should also be included as part of the provisions in the Article 22? Considering the statement that has been included in paragraph 16.

00:23:57:28 - 00:23:59:23

Sorry. Excuse me. Yes, please.

00:24:00:17 - 00:24:08:06

Economy, government for the applicant. And so I believe we need to take that particular question away and give it some deeper thought. So you've you've

00:24:10:05 - 00:24:12:19

picked up a particular technical point. Yeah. Wasn't it?

00:24:12:27 - 00:24:38:17

No. Yes. I'm aware that this is a brand new article that you have submitted. I just wanted to raise that today because I do think it's relevant for this hearing for us to actually consider that. But that's perfectly acceptable. So can I please ask for an action to be made for the applicant to review this issue and come back in writing to the EXI with the response in relation to this? Thank you.

00:24:42:10 - 00:24:51:11

So we'll now actually move our attention to the disco. But I would like us to look at paragraph nine of the disco.

00:24:54:11 - 00:24:56:15

A sorry apologies. Article nine of the.

00:25:04:29 - 00:25:35:09

Which is, I believe in relation to security, in respect of payment and compensation. And paragraph two includes the provision of DCO to which the security in respect of payment compensations apply, and it does not appear to include, uh, Article 28, which is the power to override easements and other rights. Um.

00:25:36:29 - 00:25:46:15

And ask if the applicant is of the view that perhaps that article should be included as well.

00:25:58:02 - 00:26:05:25

Connie McGovern for the applicant? Yes, sir. We believe that should be one of the listed articles. Right. Given that there is a provision for compensation in that article.

00:26:06:00 - 00:26:10:08

Thank you for that confirmation. Can also get an action for the applicant on that, please.

00:26:32:01 - 00:27:06:06

Um, are there any comments that anyone would like to add to item three of the agenda at the moment? I would ask first of all, the host authorities if they have any comments that they would like to make on this item? Yes, sir. No comments. Thank you. Comments. Okay. Can I ask if there are any other interested parties persons present today? Um, virtual or in person that would like to make any further comments on this specific article?

00:27:08:02 - 00:27:10:22

And on this specific point on item three.

00:27:16:00 - 00:27:28:19

No further issues. Okay. In that case, I would like to move us to perhaps item four, which is Article three and schedule two.

00:27:50:07 - 00:28:17:00

So I believe that Cambridgeshire County Council has submitted a series of different comments that featured in their submission to US Rep 2031. Um, would you invite now Cambridgeshire County Council to actually explain and expand on its comments in relation to schedule two of the draft.

00:28:22:09 - 00:28:38:04

Yes, sir. I'm very conscious that we've we sent to you subsequent to the agenda, as has been noticed, some additional points which were taken from our relevant representations. And then also some the

00:28:39:29 - 00:29:22:15

and I've heard the examining authorities indication that we can take those under any other business. There are 1 or 2 that fit more naturally into this section, if I may. They're relatively minor points, but it might be helpful just to take those as they relate to the requirements. All the piece. I'll try and keep all the transport ones together and I will try and keep the ones relating to waste management, which we will take as AOB because that's sensible. But for these I suggest that the 1 or 2 that relate to this can be slightly more expansive than just what's in the response to the applicant's D1 submissions document, which is where the agenda items were drawn from.

00:29:23:02 - 00:29:24:23

I hope that's acceptable, right?

00:29:27:04 - 00:29:53:01

In addition to in addition to the comments that I have just referred to, those comments that you have made in rep to all 31. Um, are there any other comments under Article three and schedule two that you would like to make? Or do you believe that all the comments on Article three and 6 to 2 ad ones contained within that specific submission?

00:29:53:22 - 00:29:59:26

No. So there are there are 1 or 2 from the. That's where the additional list that I'd like to deal with now. Perfect.

00:29:59:28 - 00:30:04:07

Okay. Could I ask you to tell me which one of those are, please?

00:30:04:09 - 00:30:11:22

Yes. What would propose to deal with is the comment we made, which is which is in our, um.

00:30:14:07 - 00:30:32:10

Response. The applicant submissions relating to air quality monitoring and the requirements as to when that should begin. Um, I also have a comment which I think is sensibly dealt with here. On.

00:30:34:06 - 00:30:49:28

The biodiversity requirement requirements. Six Right. And I also have comment relating to the community liaison manager, which is requirement 22 I think.

00:30:50:21 - 00:31:23:19

Right. Okay. Um, maybe in that case, maybe just so that we all know and for the benefit of all of the IPS and actually the applicant as well, just so that we all understand where we stand. Perhaps would suggest that it might be helpful for us to go through, um, the submission that you have made to us following the issue, the issuing of the agenda and actually go through those and then we can actually make a decision which ones will pick up today and which ones will pick up perhaps at another hearing on another occasion.

00:31:23:23 - 00:31:24:20

That's yeah.

00:31:24:22 - 00:31:51:16

Yes, I would hope we can deal with them all today because aside from traffic, traffic and transport matters, which are already partly within the agenda and some points on waste hierarchy, which we can again think pick up as any other business, they're all relatively short matters which can be put before the examining authority, and then the applicants can consider and respond either now or in due course.

00:31:51:18 - 00:32:36:08

Okay. In answer to that, obviously we have reviewed in detail the points that you have made. I would suggest that perhaps the points that you have made and on the heading that's referred to ecology and biodiversity, that would be requirement six biodiversity net by net gain and requirement 25 decommissioning. Um, I notice that actually natural England in their relevant trip that was relevant rep zero 22 have also raised similar concerns um, particularly in relation to biodiversity net gain and I believe it is at this point in time the examining intention, examining authority's intention to actually hold a specific hearing where we'll cover biodiversity matters.

00:32:36:10 - 00:32:37:29

In the environmental Indian.

00:32:38:07 - 00:32:56:08

Indian. Exactly, exactly. Therefore, considering that natural England has actually made similar comments, I perhaps would defer that matter to that specific hearing if that. Okay. So the next one that wants to do with good.

00:32:56:22 - 00:33:10:00

Can forgive me please. But I'm obviously the applicant now sees laid out points that we make and as you say natural England have made similar. They obviously have an opportunity to reflect on what's been said and come up with any changes that might be thought sensible. Got it.

00:33:10:18 - 00:33:27:21

Got it. And for the applicant, if you don't mind me interjecting, so think we've got a reasonable sense of the points that the Council has raised and is our intention submit a revised draft of the development consent order deadline. Okay. Three which we think will address some of the.

00:33:27:26 - 00:33:54:10

Thank you for that, Mr.. MCGOVERN. But, you know, um, it's exactly this conversation that ah, one that am trying to actually delay to a further session. But obviously, as Mr. Andrew Fraser has now stressed, you are now in possession of that information and obviously you can reply and respond, which will actually be particularly useful but not want to get into a detailed discussion. Now in terms of those merits, that would be for further hearing. Can I just.

00:33:54:12 - 00:34:24:21

Make one additional point on that? Sorry, just to the clearer way, and this is apposite, actually clear away some of the deadwood. Um, one of the points we did raise in our, um, response to the comments on the applicants D1 submissions, which I'm now just going to refer to as comments on submissions because shall run out of voice. If I have to say that every time one of the points we raised in comments on submissions was about the removal of vegetation in the temporary land use provisions.

00:34:25:10 - 00:34:38:10

Um, just to indicate that that's the council's perspective, not an issue that we are troubled with any more. We think it's adequately covered by the consideration of the environmental statement. And so we don't. Okay. As it were, pursue that.

00:34:38:18 - 00:35:18:10

Okay. I appreciate that. But think that perhaps we can make those points and update your position on that in writing. I think that for the sake of brevity for today's maybe we can we can we can actually defer that to writing issues. Um, so following from that, I believe that's the other main heading that you have mentioned on your response to us. Mr.. And your first occurred is in relation to waste, is that correct? Yes. And in relation to what? To waste, as I understand, those matters were focused on period relevant rep 002.

00:35:18:11 - 00:35:58:19

That would be paragraph 1421 to 1428 and then rep 129 which is the applicant's comments and relevant representations. Part one which, which the applicant actually responded to that on. 28 to 29. Um, I. I have reviewed all of the information that actually portrays to this. And again, I think that on waste, I think that waste is, um, specific matter, particularly in relation to the waste fuel availability assessment that we have received a great many deal of representations on this specific issue.

00:35:58:21 - 00:36:37:28

And again, similarly to biodiversity, I actually do feel that it completely, totally warrants um, hearing in its own right. So my question would be if the issue that you want to raise today in terms of the DCO, is it linked with the information included in the waste fuel availability assessment or not? Um, because I agree, I agree with you that the answer provided by the applicant previously perhaps is not address all the points that were made on your relevant trap.

00:36:38:10 - 00:36:55:01

Um, but I just wanted to have an understanding in terms of what question is obviously want to have a distinction in terms of are we going to get into the detail of the fuel availability assessment and Westfield reliability assessment, or is it to do with the wording of the DCL? Um.

00:36:55:28 - 00:37:39:14

Well, obviously the wording of the DCO relates to everything, but the short point is this that in our particular, in our written representations which you have seen, we expressed concern about the

possibility that in effect over the duration of the project, one or more other incinerator schemes might come into existence locally, which would um, potentially upset the ability of the applicant to secure from the areas it currently foresees the necessary tonnages of waste.

00:37:40:11 - 00:38:15:23

And we are concerned that a much more unsustainable pattern of sourcing of waste might become the reality of this scheme somewhere down the line. But that. So to that extent, our concern is related to the waste fuel availability as is manifested through the waste fuel. Yeah. The woofers. I'm going to. Yes. Yes. Yes. Turn the woofers. So what we propose is a couple of additional requirements to try and control where the waste is sourced from.

00:38:15:26 - 00:38:46:23

So to that extent, it is a drafting point, but obviously it's linked into a broader issue which you propose. Now, if you're suggesting that the examining authority is going to schedule another part of the hearing sessions to look at that broader issue, then to an extent it makes sense to consider the requirement then we have provided to the applicant some draft words. And again, a delay gives them the ability to to mull those over.

00:38:46:25 - 00:39:01:07

So we may be in a position to have some consensus at a later stage. So if you're saying to me, sir, that we should put this issue off to a sort of bespoke hearing on that topic, then that's perfectly sensible as far as I can see.

00:39:01:12 - 00:39:32:17

And I think that considering your answer, which was very helpful. So thank you very much for that. And considering that the source of that information will actually be the contents of the waste fuel availability assessment in terms of where the waste is sourced, then I do think it will make more sense for us to actually discuss that at a specific hearing if the applicant is content with that as well. Yes. Okay. Thank you very much. All that was very useful. Um, just continuing then.

00:39:32:27 - 00:39:33:12

Um.

00:39:34:13 - 00:39:38:23

Oh. Forgive me, sir. On that basis, can I release my waste, man? Send him home.

00:39:39:05 - 00:39:42:16

You can't release your waste. Thank you. Yes, Thank you.

00:39:44:09 - 00:39:51:17

Right. Okay. Um, next topic then would be hydrology. Uh, which, um.

00:39:54:13 - 00:39:59:10

Which I believe it's linked with the preparation of the outline drainage strategy.

00:40:01:19 - 00:40:27:10

Which again is one of those things that the ex has already identified and had considered if it would be appropriately. Um, examined as part of hydrology and flood risk. Why the. Um. Hearing.

00:40:28:09 - 00:40:29:15

Um, I.

00:40:30:00 - 00:40:44:20

I'm pretty sure if, if it is, um, that specific paragraph of the local impact report, which is her 8.6.2. Um, that, um.

00:40:48:00 - 00:40:54:14

I. I would be very inclined to actually look at that at a specific hearing if if you would agree with that as well.

00:40:54:22 - 00:41:36:06

mean, again, perhaps if I could just outline what what the issue is, because it is a very narrow point. Exactly. Um, and it's simply that the current drainage strategy article sorry, requirement number eight sets out various works in respect of which a drainage strategy must be submitted and approved. The one it doesn't include is Work five, which is effectively the construction of the facility. And our concern is simply to ensure that either through this requirement or through effectively an undertaking from the applicant that the camp will contain such a strategy that that period of time is, as it were, covered in respect of drainage strategy.

00:41:36:08 - 00:41:38:07

It's nothing more complicated than that.

00:41:41:21 - 00:41:42:28

Gary McGovern for the applicant.

00:41:43:00 - 00:41:44:18

Sorry. Sorry. Before you intervene.

00:41:48:04 - 00:42:13:07

Uh, so I'm just bear with me for one second because I don't think that that actually matches my notes in terms of what is stated in paragraph 8.6.2. So I believe that perhaps we need to check that quickly. So I just ask. People for a little bit of time while trying to find a specific reference within the local impact report.

00:42:20:09 - 00:42:29:09

So on the letter you stated local impact reports reference paragraph 8.6.2. Is that correct?

00:42:29:16 - 00:42:30:23

Yes.

00:42:30:25 - 00:43:09:21

Right. So what I can find on the local impact report and that paragraph is noted that the details of all the drainage information is to be left for the requirement. Whilst concepts are fine for some parts of the site's surface water management strategy, the surface water system must be designed appropriately, if not all left until the detailed designs under the requirements. The Alpha accepts some principles, but more work needed to carry out at this point to ensure that the system is appropriately designed and all surfaces are being suitably treated.

00:43:10:13 - 00:43:30:12

So I took that is being more in relation to the preparation of the outline drainage strategy, which does not seem to be exactly what the intention appears to be. So I just want to clarify that just so that we know.

00:43:32:00 - 00:43:38:13

What is the request here in terms of the before we obviously make any decision on it? The.

00:43:40:27 - 00:44:11:24

I've taken instruction in detail from my hydrology expert. Don't. Think he's on the call that I'm maybe wrong. Um, and as I say, we've expressed the general concern that the the details of the drainage strategy need to be properly considered and set out in detail. That's what's effectively in the air. Um, I haven't got in front of me just yet, so. Okay. But, but the concern in terms of the drafting is the relatively minor one I've just outlined.

00:44:12:01 - 00:44:29:06

Right. Um, it is paragraph. Um, well paragraph 8.6 of the LA, which is requirements and obligations does relate to believe requirement eight. Um, in paragraph 8.6..

00:44:29:08 - 00:44:34:01

Forgive me, sir, if you're going to ask me to detail questions on this. Can I just have a moment to find it and have it.

00:44:34:11 - 00:44:40:18

Absolutely. Absolutely. Understand that. Just let me know when you are ready, please.

00:45:36:12 - 00:45:38:13

If we found it. Mr. Andrew Fraser.

00:45:46:07 - 00:46:23:09

Uh, I just would like to clarify with you if, um. In summary, this issue is linked to the preparation of an outline drainage strategy, which is something that the examining authority will want to examine in much more detail. And if so, I think that we might be in a better position to actually cover that and hydrology and flood risk hearing also to give other parties and interested parties a chance to actually consider it in more detail.

00:46:23:14 - 00:46:32:07

Yes. Okay. Perfect. Thank you very much for that confirmation. Right. The last item is actually traffic and transport. So sorry. Yes, sorry.

00:46:33:08 - 00:47:06:24

I'm sorry. McGovern for the applicant. I just thought it might be useful. I'm not wishing to prolong the discussion on this particular point because I know you're keen to move on and. And the applicant is perfectly content to have a detailed discussion on the content of the outline drainage strategy in due course. And if you consider that appropriate, just to flag a revised draft was submitted at deadline one outline drainage strategy revision to and that's rep 1016 and direct parties to to review that draft.

00:47:06:26 - 00:47:13:08

In terms of any comments the focus of that outline drainage strategy is the permanent infrastructure and that's probably.

00:47:13:15 - 00:47:17:29

Mr. McGovern. Could you repeat the reference library reference number for me again, please?

00:47:18:16 - 00:47:23:03

It is rep 1-0166.

00:47:23:08 - 00:47:23:28

Thank you.

00:47:24:26 - 00:47:52:01

The focus of that drainage strategy is the permanent works and infrastructure, and that is the reason why the requirement requirement eight refers to works which are the permanent works and excludes the temporary construction compound and the temporary construction compound. Drainage matters, I understand, are dealt with within the Kemp and which deals with all construction matters. Right. It may be useful for the council considering this matter. Further to to revisit.

00:47:52:03 - 00:48:28:22

My first question would be why and would actually need an opportunity to review that in further detail and obviously take advice, um, more holistically in terms of the question and, and the impact of those changes, which is exactly the reason why I am not proposing to go through that detail now. It is point in time. So I accept that answer and I accept that you are trying to draw our attention to this new document, which Thank you, I accept, but I actually do not feel that it is appropriate for that discussion at the moment.

00:48:28:25 - 00:48:32:12

That's fine. So just just purely want to direct you in the right place now.

00:48:32:14 - 00:49:04:24

I understand and thank you for that. Um. To final point, just very quickly, Mr. Frazier, account again for you. Um, we define a one final big topic was traffic and transport. Just to finish then this point in terms of the submission that we have received, um, indices, indices where from my initial assessment and I would ask you to confirm if you have any objections to that.

00:49:06:08 - 00:49:39:23

Um, the first point that you have made is to do with Articles 11 and Article 12, which were, um, included the comments that were included. Pardon in the relevant rep 002 and that would have been paragraphs paragraph 3.13 where I believe that Cambridgeshire County Council states that Article 12 does not provide for certification by the. So that would be the local authorities that any alteration that to means of access are acceptable.

00:49:40:10 - 00:50:13:00

The local authorities request engagement in respect of this matter. Protective provisions requested and could be expanded to include a subclass relating to any new or altered means of access that are proposed. Connect to the public Highway is mentioned in Article 12, covering the right of the local host authorities to review the design, construction and completion of such works prior to certification that such works are acceptable and the institution of a maintenance period. So first of all, can I just confirm Mr.

00:50:13:02 - 00:50:21:17

Fraser occurred that this is the paragraph that you that that is relevant on this specific point?

00:50:23:11 - 00:50:23:26

Yes, sir.

00:50:24:08 - 00:50:59:27

Okay, perfect. Thank you very much. Right. And I note that the applicant has actually responded to this in rep 1029. Um, and that would have been page 104 and 105 of your response. Yes, absolutely. So, um, obviously in deadline one, uh, there was a response to this issue by the applicant, so it was the applicant's comments on the relevant representations, Part one, which I believe is Rep 1029.

00:51:10:20 - 00:51:28:22

And believe that the applicant commented on the relevant representation in addresses to page one, 104 and 125. And now I am actually going to try and find that information as well because I can see that

the applicant and the counsel are all trying to find this information. So just bear with us for one second, please.

00:51:49:29 - 00:52:02:00

So, yes, I have it with me and I do believe that it is on page 104 and 105 that there is the detailed response to again.

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

Paragraph B.

00:52:08:00 - 00:52:19:01

13. And does everyone? Can I ask if both the applicant and the council have this information in front of them? I.

00:52:21:02 - 00:52:21:22

I do, sir.

00:52:22:04 - 00:52:22:23

Thank you.

00:52:54:09 - 00:52:59:06

And so I believe the document reference is rep one zero 28.

00:52:59:24 - 00:53:09:05

Right. Okay. Thank you for that clarification. Um, I had in my notes zero 29 apologies if it's incorrect. One So it's. Zero 28.

00:53:15:01 - 00:53:18:12

Yes. Zero 28 Yes. Thank you for that confirmation.

00:54:00:18 - 00:54:09:02

But perfect, because from my initial assessment, I do agree that the point that he has that is being made.

00:54:10:18 - 00:54:51:13

Um, by Cambridgeshire County Council. Actually, it is linked specifically to the wording of an article or protective provision. Um, and I think it might actually assist us to examine this specific issue. Uh, in this hearing, if the applicant is willing to do that and have the information. Yes. So, um. Mr. Andrew Fraser Urquhart can ask if you would like to reformulate your question or are you just happy for me to go back to the applicant and just ask them to specify and expand on their response to that issue raised in the relevant rep?

00:54:54:14 - 00:55:05:27

I'm entirely happy to take it however you want, sir. I'm just conscious that we've got an agenda item about these matters. Yeah, and it was. I was honest. Expected to deal with it then, but. Well, deal with it now.

00:55:06:09 - 00:55:08:07

I think you want to as.

00:55:08:14 - 00:55:20:08

As I said, think that this probably might be one of the one of the issues that that perhaps it might be useful for us to question but I'm.

00:55:22:27 - 00:55:25:28

We do have an item.

00:55:29:17 - 00:55:35:16

Um, I can, I can defer to item five if that's going to be. Of the agenda.

00:55:36:04 - 00:55:38:24

It just means we can take all the highway issues together. Right? Okay.

00:55:39:09 - 00:55:57:06

So let's let's defer to to item five of the agenda that we Article 1112 and schedule 11. But just to give the applicant forewarning that then it might be useful for us to explore this this issue further, if that's possible. Thank you. Um.

00:56:02:18 - 00:56:48:27

And there was some there was also an issue to do with local impact reports in relation. To the and that was traffic and transport insufficient land take within the local impact reports paragraph 2.7. 18. That is on your letter to us, Mr. Fraser. Mr. Andrew Fraser Urquhart And I would suggest that actually, because it relates to land take within the um, the examining authority actually has queries on this, but those queries are scheduled for tomorrow because it's going to be the compulsory acquisition hearing.

00:56:48:29 - 00:56:53:06

So would this item be addressed there?

00:56:54:16 - 00:56:55:07

Do you agree?

00:56:58:29 - 00:57:00:22

Yes. Um.

00:57:03:02 - 00:57:05:06

Or in writing, if there are any.

00:57:05:08 - 00:57:05:23

Well.

00:57:05:29 - 00:57:09:12

Put it this way. We're not intended to be here tomorrow. I can't. Okay.

00:57:09:17 - 00:57:10:22

So I believe.

00:57:11:11 - 00:57:48:29

Well, the examining authority has a lot of questions on this specific issue and would like those questions to be obviously considered and looked together, which I'm sure that you understand the reasons behind for. So I would actually refer this specific issue to tomorrow's hearing in terms of the compulsory acquisition and if any questions remain after the hearing, which obviously the recordings are going to become available as soon as possible and notes from the hearing are going to become available as soon as possible, then I would invite the local authorities to actually comment on the discussion at a subsequent light.

00:57:49:02 - 00:58:02:06

Yes, just perhaps the short circuit that process. Can we overnight prepare for you as a short document setting out what our concerns are? So that you have that as part of your considerations tomorrow.

00:58:05:06 - 00:58:40:28

My concern would be that with that would be to give all interested parties an opportunity to actually consider and respond to comments, because obviously I'm mindful that the local authority, I'm sure, would also like that consideration to be made as well. So that would be my concern in terms of accepting that, I believe that probably the best way of deal of dealing with this would be to review the information after the compulsory acquisition hearing.

00:58:41:27 - 00:58:55:12

And we are still very early in the process. So there are plenty of opportunities and deadline to submit written comments on this specific issue. So I do think that that might be the best way to make sure that the information is available for for everyone to comment on.

00:59:18:02 - 00:59:20:05

Very well mean. Thank you. That's fine.

00:59:21:20 - 00:59:22:05

Um.

00:59:29:27 - 01:00:00:00

And think that that sort of deals with the issues and think that there are some specific issues in terms of non-motorised users and rights of way. But again, I think that that is a little bit similar to the other issues of traffic and transport. And I think that there might be best taken as a whole. So I believe that from that list that you have presented to us earlier, I believe that it is then that article, um, that situation with the Article 11 and 12 that perhaps we will then address at a later point. Okay.

01:00:00:21 - 01:00:02:25

So with that.

01:00:04:16 - 01:00:05:06

Yes.

01:00:05:16 - 01:00:30:24

Are you Mr. McGovern? Would you like to know? Okay. Thank you very much. With that point in mind, then I will actually move us on to, I believe, item four. So that would be Article three and schedule two, which is where they started. So, um, can I ask Cambridgeshire County Council first of all

01:00:32:16 - 01:00:44:29

to um, address its common relation to climate change in carbon and how this topic is covered within schedule two of the draft.

01:00:46:15 - 01:00:50:09

Um, and we may also have some further questions at this point. Sorry.

01:00:50:11 - 01:00:53:11

Forgive me. Sorry, missed the what are you asking us to deal with?

01:00:53:22 - 01:01:20:22

Would like to now ask. Apologies. Um, I'll clarify. I would like to ask Cambridgeshire County Council to explain and expand on its comments in relation to schedule two of the draft as included within the Cambridgeshire and Fenland District Council comments on the applicants D1 submissions and that was rapped to 031. That was one of the items that was included in the agenda as published I believe.

01:01:22:06 - 01:01:23:00

It's very well.

01:01:24:11 - 01:01:25:08

Within.

01:01:27:14 - 01:01:38:09

Within the comments on submissions. The points I wish to raise are as follows.

01:01:39:25 - 01:01:40:10

Um.

01:01:42:12 - 01:01:44:02

If we go to.

01:01:45:20 - 01:01:51:20

A scheduled two. Paragraph 27.

01:01:53:29 - 01:01:57:18

It is local air quality monitoring strategy.

01:02:02:15 - 01:02:21:18

And as as matters currently stand, the requirement is that prior to the date of final commissioning. A local air quality monitoring strategy must be submitted to the relevant planning authority for approval.

01:02:23:17 - 01:03:02:08

Um. That must be substantially in accordance with the outline local air quality monitoring strategy. Our concern relates to the trigger date and its relationship with the ability to establish the baseline. Obviously for us, an air quality strategy to be effective and for monitoring of the air quality consequences of the development. To be effective, a baseline must be established prior to anything that the development contributes.

01:03:03:27 - 01:03:37:01

And it's our view that there needs to be 12 months of baseline monitoring before there is any operation of the plant. Now as things stand. It is the date of final commissioning, i.e. when the project's been built out and is has been tested and begins operating. It's only at that point that the local air quality air quality monitoring strategy must even be submitted.

01:03:37:18 - 01:03:58:12

So that would appear as drafted to preclude the ability or at least to preclude the ability of the requirement to require. If you'll forgive me that there'd be 12 months of baseline monitoring prior to the plant actually beginning to operate at all. That's the point.

01:03:59:05 - 01:03:59:20

Right.

01:03:59:25 - 01:04:13:00

And just for my own clarification and apologies. Um, I had questions structured slightly differently from your representation, but I believe that it, it links with, um.

01:04:15:03 - 01:04:18:11

Paragraph 27 of schedule two.

01:04:18:26 - 01:04:19:29

Yes. Yes.

01:04:20:08 - 01:04:23:26

Perfect. Thank you. Can I ask the applicant to refine, please?

01:04:25:06 - 01:04:28:08

Yes, sir. Think we can?

01:04:29:26 - 01:05:01:18

And deal with this point and flu rather quickly. But having reflected on the comments from the County Council and the applicant is happy to confirm that Deadline three As part of the updated revised draft of the development consent order, we do propose to amend the wording of requirement 27 so that it will specify that the local air quality monitoring strategy must be submitted prior to the date of commencement of the authorised development, and we would hope that would address the comments that have just been raised.

01:05:02:01 - 01:05:20:26

Yes, I mean, the as forgive me, Andrew Fraser, for the council's as we see matters either the by the requirement 27 needs to be redrafted so as to make clear this requirement 12 months or there needs to be a separate requirement requirement that there be 12 months pre operation monitoring.

01:05:20:28 - 01:05:28:14

I think suggestion is to actually redraft the paragraph as it stands at the moment. Um, is that the case? Mr. McGovern.

01:05:28:16 - 01:05:44:20

Yes, it did line three We will be submitting, revised with amended wording and requirement 27, plus a revised version of the outline local air quality monitoring strategy and the 12 months the baseline data gathering will be reflected in the outline strategy. And that will.

01:05:44:22 - 01:05:45:09

Be the.

01:05:45:11 - 01:05:46:20

Next the next deadline.

01:05:46:22 - 01:05:48:17

Deadline three deadline three. Okay.

01:05:48:19 - 01:05:56:10

And can also get, please, an action on this specific issue to be recorded as a result of the hearing. Thank you.

01:06:00:18 - 01:06:02:26

And I would.

01:06:02:28 - 01:06:08:10
Also like us to, um. Look.

01:06:10:09 - 01:06:28:19
Um, it's some topics there. First of all, before I actually ask any further questions, Mr. Andrew Fraser there are any specific other comments that you would like to make in terms of Article three and schedule two resulting from your comments on the applicants one submission.

01:06:29:00 - 01:06:31:06
So in terms of the.

01:06:33:02 - 01:06:43:04
Comments on submissions? No, but did mention in our list, in our supplementary letter, there was one other article two related matter. It's very brief. Can I just deal with it now?

01:06:43:06 - 01:06:45:19
It's Article two or Article three.

01:06:46:16 - 01:07:22:06
Article two. The requirements. But requirement 24. As I have a community liaison manager. And it's simply this that again, the community liaison manager must be identified. Only prior to the date of final commissioning, and we are concerned that there be a single point of contact identified point of contact that people can go to during the construction and commissioning phases so as to make sure there's a steady chain of accountability.

01:07:22:08 - 01:07:23:05
Okay. It's simply that.

01:07:23:20 - 01:07:25:25
Um, can I just. So, um,

01:07:27:11 - 01:07:29:24
you mentioned article two. Correct.

01:07:31:18 - 01:07:32:05
Yes.

01:07:32:16 - 01:07:33:01
Right.

01:07:35:21 - 01:07:42:18
We are at this item of this Article three and schedule two. So I'm a little bit confused.

01:07:43:04 - 01:07:46:12
Did I say Article two? Sorry, Forgive me. I meant schedule two. Oh, the.

01:07:46:14 - 01:07:51:05
Requirement. Okay. Okay. Just wanted to clarify. Yeah, no, that's absolutely right. Yes.

01:07:51:07 - 01:07:54:05
So can I ask the applicant to please respond?

01:07:54:22 - 01:08:16:05

Yes, sir. McGovern for the applicant. I can confirm there will be a single point of contact. There will be a liaison community liaison manager during the construction period, and that will be captured in the camp. And there was an attempt to do that in the last revision, but the wording wasn't quite right, so it wasn't sufficiently clear and we will remedy that in the next draft at deadline through submission.

01:08:16:11 - 01:08:24:23

Right. So can we actually have an action for the applicant to ensure that it can reflect that? Please. Thank you.

01:08:25:19 - 01:08:27:12

And before I.

01:08:27:14 - 01:08:38:14

Ask the people to intervene on this specific point and some further questions, can I just ask Mr. Andrew Fraser, could you have any more points that you would like to raise on this specific issue?

01:08:39:09 - 01:08:40:01

Uh, no, sir.

01:08:40:03 - 01:08:41:15

No, Thank you very much.

01:08:42:04 - 01:08:42:19

Um.

01:08:43:01 - 01:08:56:08

The stay, actually. So the summoning of our feet actually does have some further comments that we would like to raise with the applicant in relation to Article three and schedule two.

01:08:59:15 - 01:09:08:13

So in terms of schedule two requirements, can I ask the applicant to very quickly confirm to us

01:09:10:00 - 01:09:26:03

its strategy, particularly in relation to 22 and 23? So that would be the capture, the carbon capture and export readiness reserve space and the Carbon Capture Readiness monitoring report.

01:09:29:11 - 01:10:09:07

Got him on for the applicant? Yes, sir. I think it's important in setting the context for this particular provision to note that there is, as we sit here today, no legal or policy requirement either for this particular facility to be carbon capture ready, nor for it to be fully committed to actually implement carbon capture storage. However, the applicant is serious in its intent to facilitate carbon capture if it is feasible in the context of what is an evolving transitioning policy policy framework.

01:10:09:13 - 01:10:40:20

And it's for that reason that it was considered appropriate to introduce requirements 22 and 23 which seek to ensure that there's no impediment and that land is provisioned and set aside in order to facilitate future deployment. Should the policy and framework around that allow it to be feasible in due course? And the drafting that is in Article 22 and 23 is drawn from another made order and reflects what has been imposed in other.

01:10:41:06 - 01:11:02:13

So there's there's precedent for the drafting there and it's been introduced for the reasons that I've set out and if it would be helpful. So in your interested and the wider context as to what the applicant is doing in general in this space, then I could introduce Mr. Kerry to say a bit more about what the company's strategy is more broadly in relation to this topic area.

01:11:03:14 - 01:11:03:29

Right.

01:11:04:13 - 01:11:09:07

If it helps make a decision in terms of who introduce, I'm.

01:11:09:11 - 01:11:09:26

Not.

01:11:09:28 - 01:11:16:29

Clarified completely by that answer. So perhaps, Mr. Kerry, if you could contribute to that issue.

01:11:18:15 - 01:11:53:14

There's a pull carry managing director. Let me be the applicant. So we take carbon capture very seriously. For example, in in Germany at the moment, we built a pilot plant to test a particular technology. There are lots of different technologies that can be used to capture carbon and which is the best is still to be determined. But what's important is that we reserve space on the land which we have done and account for that the variety of technologies that could be used.

01:11:54:00 - 01:11:58:17

And to be sure that any of them could be fitted into the space we reserve. So that's

01:12:00:15 - 01:12:32:10

something in which we're confident. The second challenge, though, is having captured any carbon dioxide, is to transport it and store it. And that's perhaps a greater challenge. So, for example, there is a project which is being mooted called the Bacton Thames, the Net Zero Project, which would take carbon dioxide to Bacton, which is on the north coast of Norfolk, about 80km to our east, and then pump it into the North Sea.

01:12:33:01 - 01:13:14:25

But getting it there means a lot of pipelines to be built. And that is the subject would be the subject of a lot of other applications in due course. So we're a member of that consortium and actively looking at seeing whether we can get any carbon dioxide that we would capture here into the Bacton Thames Net zero project. But so much of it is dependent on the technology. The process for that, that project, the the ability to put the gas into the North Sea, which requires a separate licence and above all, government support for these sorts of things.

01:13:15:01 - 01:13:35:22

I understand that, Mr. Kerry. But in terms of, you know, and I want us to bear in mind that this is a hearing on the DCO and obviously the wording of this. And as we discussed earlier in the proceedings today, obviously everything has got to be reflected at some point to DCO, but we need to

01:13:37:08 - 01:13:40:09

narrow the issues and I think.

01:13:40:11 - 01:13:41:05

That.

01:13:41:26 - 01:13:54:15

There will certainly be scope for looking at carbon capture and issues such as that more generally. Perhaps another issue specific hearing. So my query and my question.

01:13:54:17 - 01:13:55:02

Is to.

01:13:55:04 - 01:14:18:09

Do with the wording as it stands at the moment and the paragraph 22 and under paragraph 23 in relation to carbon capture, 22 being carbon capture and export readiness, reserve space and carbon capture Readiness monitoring report. And I think that my issue and my concerns are also linked and expressed with, I believe, issues that.

01:14:20:03 - 01:14:33:15

Cambridgeshire County Council has included before as well, which is that adding those requirements in reserved space for carbon capture

01:14:35:05 - 01:14:45:18

and Requirement 23, which sets out the need to investigate biannual the feasibility of carbon capture technology as part of development does not really.

01:14:46:05 - 01:14:46:20

Um.

01:14:48:29 - 01:15:14:10

Does not really adequately set out or it is it's it doesn't set out a clear requirement for the applicant to do it and to carry it out. And I want to explore that issue further. And I want my and my question is linked then. If you believe that it does, then can you point in clarify to the examining authority, the wording where you believe that that is clearly set out?

01:15:18:07 - 01:15:50:07

Um, it might be worth noting that the government just recently issued a consultation document with decarbonization readiness, which includes four tests that would be applied to see whether facilities such as ours, which would be included in the scope of that consultation, would be decarbonisation ready. Um, but furthermore, they propose that this becomes something under the remit of the Environment Agency through the environmental permit.

01:15:50:11 - 01:16:06:28

So that would become a requirement for us and this sort of facility would be included in, in the scope of those requirements to be to be decarbonisation ready. But it would be part of the environmental permit process rather than included in this DCO.

01:16:08:06 - 01:16:09:09

Okay. Um.

01:16:10:03 - 01:16:36:00

I accept that, but, um. And that might be the case, but obviously the DCO would need to provide. You've said it yourself in your exhibition that it might be a test case, it might not be a test case. So I'm looking for a little bit more certainty in terms of what the clear commitments are as set out in this. So that is my question.

01:16:37:22 - 01:17:13:09

To govern for the applicant. And to answer your question shortly. The current drafted article does not permit the applicant applicant to implement a carbon capture scheme and deliberately drafted in that way for the reasons that Mr. County has outlined around the difficulties or remaining uncertainties around both the technology, but also where it gets exported to what the articles do commit the applicant to are firstly to reserve the space and make sure that in the event that the challenges are overcome, there is sufficient space within the site and that's Article 22.

01:17:13:11 - 01:17:31:06

So they're committed to preserving that space. And then Article 23 is provisions around regular review and monitoring to keep the applicants feet to the fire, if you like, But it stops short of absolute commitment and come with me to implement, and that is for the reasons that Mr. Kerry has outlined.

01:17:31:15 - 01:17:33:20

Right. Okay. I'm.

01:17:35:29 - 01:18:00:08

I'm satisfied with that answer for the purpose of this specific hearing, but I do think that probably will need to investigate this further. And the reason why I'm stating that because even on your national policy statement tracker, which you have submitted on the previous, um, as a response on the previous deadline, um, actually apologies deadline one and that would be rep one.

01:18:01:11 - 01:18:03:04

L5 two.

01:18:03:28 - 01:18:10:18

You state in response to this and in response to the draft NPS.

01:18:11:29 - 01:18:13:24

One. Um.

01:18:14:19 - 01:18:35:25

That the applicant's assessment as it's stated there, actually says the applicant should look for opportunities to embed nature based or technological solutions to mitigate or offset emissions of construction and decommissioning steps taken to minimize and offset emissions should be set out in a GHG reduction strategy.

01:18:36:05 - 01:18:40:09

Greenhouse gas, I'm guessing. Um.

01:18:41:00 - 01:18:49:27

And um, your response to that is very much centered on what you are proposing in terms of carbon capture, hence.

01:18:49:29 - 01:18:51:11

Why I am.

01:18:51:13 - 01:19:06:07

Asking this question now in terms of DCO, um, because obviously the wording of the DCO is crucial in terms of demonstrate a legal commitment that the applicant is willing to take.

01:19:06:09 - 01:19:08:02

On in, in.

01:19:08:04 - 01:19:12:13

Relation and in response to this issue that you have identified yourselves with International Tracker.

01:19:16:21 - 01:19:27:18

Karen McGovern for the applicant, and we're grateful to you for highlighting that, sir. And we'll certainly have another look at that. As you see, that's sort of straying away from the drafting of the into.

01:19:27:22 - 01:19:28:19

Absolutely.

01:19:28:21 - 01:19:41:00

But I think it is important to actually inform the applicant in terms of what are the excise, um, expectations in terms of, um.

01:19:43:03 - 01:20:03:11

Response to this issue that has been identified and that should be reflected within the wording of the DCO. Can I get an action on that for the applicant to come back to us then as suggested, Mr. McGovern, in writing on this specific issue, following this hearing.

01:20:03:13 - 01:20:04:03

Thank you.

01:20:05:20 - 01:20:09:04

Um, I believe that, um, Mr..

01:20:09:07 - 01:20:26:27

David Alford also mentioned that, um. Had a request, had a question in terms of requirement 27, in terms of air quality, and I saw Mr. David Alford raising his hand earlier.

01:20:27:15 - 01:20:28:00

Um.

01:20:28:14 - 01:20:31:02

Mr. Alford, can I just confirm that he was still with us?

01:20:32:28 - 01:20:35:01

Yep. Yep. I'm here. Yep.

01:20:35:21 - 01:20:36:29

Apologies, Mr. Alford.

01:20:37:01 - 01:20:38:15

But you might be on.

01:20:38:17 - 01:20:40:24

Mute. We cannot hear you in the room.

01:20:41:15 - 01:20:43:21

Can you hear me? Uh.

01:20:45:15 - 01:20:46:14

Can you hear me?

01:20:48:21 - 01:20:51:13

Can you hear me? I'm unmuted. We can.

01:20:51:15 - 01:20:53:19

We can hear you now. Yes. Yeah. Okay.

01:20:53:22 - 01:20:55:06

Good morning, Mr. Alford.

01:20:55:08 - 01:21:14:10

Yeah, Good morning. Yeah. Yeah. It's David Alford from Kingsland West Norfolk Borough Council. Um, it was specifically the query was in relation to the Article three, schedule two, this requirement 27 that what we've said in are relevant. But the response um,

01:21:16:21 - 01:21:54:01

the, the DC requirement 27 refers to um, really, it refers to additional monitoring provisions that the applicant will put forward. But when we in the response to the we suggested we, we put in diffusion tube monitoring sites already that are already in existence. So how does the requirement relate to existing provision or your contribution towards rather than a specific additional requirement that's inferred by requirement? 27 If you understand, if we.

01:21:54:16 - 01:22:05:22

Yeah, it's just when we said we're after it would would that blue the contribution towards existing and how would that be delivered.

01:22:06:15 - 01:22:08:25

I'm sorry, Mr. Alford, but with connection.

01:22:08:27 - 01:22:09:27

Problems.

01:22:09:29 - 01:22:31:14

I'm not really sure that I completely understood your question. Could you just repeat that perhaps in terms of what your what is your question for the applicant at the moment in relation to that to requirement 27, please. Sorry, we cannot hear you very clearly in the room. Apologies.

01:22:32:07 - 01:22:35:26

Okay. Hopefully you can hear me a bit better now.

01:22:37:14 - 01:23:01:28

It's specifically in relation to the requirement 27. Does it preclude a contribution towards existing monitoring sites that as a council we maintain because the suggestion is within requirement 27, it's only related to new provision that they that they will provide.

01:23:03:19 - 01:23:06:02

Uh, right. Thank you. Thank you, Mr. Alford.

01:23:06:10 - 01:23:13:27

I think I've heard you clearly now and actually understood the question. And can I just clarify? Would that be a financial contribution?

01:23:14:23 - 01:23:15:15

Yes.

01:23:16:02 - 01:23:16:26

Right. Okay.

01:23:16:28 - 01:23:19:20

Can I ask the applicant to reply on this point, please?

01:23:31:12 - 01:23:33:14

Tim Marks the applicant.

01:23:36:07 - 01:24:11:00

B We are happy to move from the outline local air quality management strategy, move that to a proportionate financial contribution to contribute to the existing schemes that the local authorities have in the area. If that would assist the the query. So essentially, rather than the outline local air quality monitoring strategy for a proportionate financial contribution secured through a 106 is is delivered.

01:24:11:02 - 01:24:16:14

And there then the local authorities have that contribution to to assist with their schemes.

01:24:17:02 - 01:24:25:21

But Mr. Alford, can I ask you to comment on that response? And would that be agreeable for the Borough Council of Kingsland and West Norfolk?

01:24:27:25 - 01:24:53:02

Yes. Yes. Yes, it would. But we also said in the earlier that the the need for air quality monitoring strategies to reassure the public and and the dissemination of that information to the public so it links in with the community liaison role. Maybe that's something to be

01:24:54:22 - 01:25:26:11

specified in a bit more agreed on within the outline air quality monitoring strategy rather than necessarily through the DCO. But what we've but the provision it's important to note that the this provision of public information, roadside monitoring information will only be. It's not real time. So there's in the in the outline monitoring, air quality monitoring strategy, it mentions real time air quality monitoring equipment.

01:25:26:26 - 01:25:46:07

But what what is unclear is whether there's going to be any real time air quality monitoring equipment within our District council's area, which is that would be part of requirement 27. So I don't know if that's that's an issue to be agreed later or hearing.

01:25:46:22 - 01:26:25:14

Thank you, Mr. Alford. What I was going to suggest, if the applicant agrees, is that we take this discussion offline and basically we have an action for the applicant to get in touch with um, Kingsland and West Norfolk Borough Council on this specific issue and then actually clarify the means through which such contributions can be agreed and also any changes in the, in the local air quality monitoring strategy that might be necessary in order to secure the implementation of those changes? Yes.

01:26:27:14 - 01:26:29:15

Thank you, Mr. Andrew Fraser.

01:26:30:00 - 01:27:09:10

Yes, sir. So, yes, I speak here with my Finland hat on rather than my council's plural hat on. Um, I just heard, I think, a suggestion that there might be a change in focus within the quality monitoring from provision of air quality monitoring by the applicant to the provision of a financial contribution. That's not something which obviously I've had any ability to take instruction from Finland on, and I don't know what Finland's position would be. So simply put down a marker or a reservation of reservation of position to that extent and don't know also the extent to which Finland and Kingsland have been talking to each other about air quality.

01:27:09:12 - 01:27:18:15

So I'd just say that from Finland's position, that's a discussion we'll need to be involved with and we may have a view different to what's been expressed. Just don't know.

01:27:19:04 - 01:27:19:19

Um.

01:27:20:11 - 01:27:22:17

May I suggest that we have an action.

01:27:23:14 - 01:27:24:05

For.

01:27:24:07 - 01:27:38:16

That? So if I could actually suggest that we have an action for Finland Council to confirm following this meeting, if it has any further comments that it would like to make on this specific issue to the examining authority in writing.

01:27:38:18 - 01:27:39:03

Thank you.

01:27:39:05 - 01:27:44:06

I'll make sure that this part of the discussion is brought specifically to the relevant officer's attention.

01:27:44:13 - 01:27:45:00

Thank you.

01:27:50:01 - 01:27:50:16

Um.

01:27:53:04 - 01:27:56:11

Are there any further comments that we would like to make.

01:27:56:13 - 01:27:57:02

On.

01:27:57:25 - 01:28:06:02

Item four, which is to do with Article three and schedule two? First of all, can ask if anyone else in the room would like to make any further comments on this.

01:28:07:23 - 01:28:08:14

Now.

01:28:08:22 - 01:28:12:08

Anyone virtually that would like to make further comments on this point?

01:28:16:09 - 01:28:22:11

I don't see any hands raised. Uh, Mr. McGovern, you. Do you want to intervene in this point?

01:28:22:13 - 01:28:22:28

Yes.

01:28:23:07 - 01:28:44:04

Sir, I know you're keen to move on, but thought it might be helpful for some of the other interested parties just to like one other change that the applicant is proposing to make and the revised that will be submitted at deadline three. And that is a requirement 28 which deals with decommissioning. And I'm aware there have been some comments on that particular.

01:28:44:12 - 01:28:49:02

Requirement 28 of schedule two. So actually putting into this specific issue. Yes. So if you'd.

01:28:49:04 - 01:28:50:18

Like to continue then and.

01:28:50:20 - 01:29:23:29

Yes, it was just to intimate to the examining authority and other interested parties as the applicants intention to submit an outline decommissioning plan Deadline three and requirement 20. It would be sorry, I'm being told it would be deadline for for that decommissioning strategy and but requirement 25 sorry, 28 It was previously requirement 25 requirement 28 in relation to decommissioning would be revised to refer to the outline decommissioning plan that will be submitted to the outline plan.

01:29:24:07 - 01:29:25:02

Can we register.

01:29:25:04 - 01:29:27:06

This as an action please as well? Thank you.

01:29:27:08 - 01:29:27:25

Very much.

01:29:27:27 - 01:29:54:06

So can I just say in response to that? Andrew Fraser For the councils we did have some points on decommissioning, but specifically with relation to ecology and biodiversity and particularly the time obligation for which the the article would bite. But obviously in light of your indication that we're going to deal with that as a public hearing, the environmental hearings. Yeah, I'll just register that now and say no more.

01:29:54:15 - 01:29:57:06

Okay. Thank you very much. Notice right?

01:29:57:08 - 01:30:23:09

I note that it's now 1130 and as I have indicated before, we would aim to take a break and divides today's day in sessions and blocks of one hour and 30. Approximately, approximately. So perhaps I would suggest that we now adjourn the meeting and resume it. 12:00. Um, may I just ask if you agree with that?

01:30:23:11 - 01:30:23:28
Yes, thank.

01:30:24:00 - 01:30:24:24
You. I'm happy with that.

01:30:24:26 - 01:30:25:11
Thank you.

01:30:25:25 - 01:30:26:10
Right.

01:30:26:12 - 01:30:27:18
So I adjourn.

01:30:27:20 - 01:30:34:17
Not meeting, and we will be back at 12:00. Where we'll pick up on item.

01:30:35:23 - 01:30:36:26
Item five, and that.

01:30:36:28 - 01:30:39:12
Would be articles 11, 12 and schedule 11.

01:30:39:14 - 01:30:40:03
Thank you.