

00:00:01:11 - 00:00:20:43

Unknown

Okay. It's now 11:05 and resume this issue specific hearing. And just check that. Teams is up and everyone can see and hear me clearly. Yeah. I'm getting the thumbs up at the back of the room. So apologies for that technical glitch.

00:00:22:14 - 00:00:50:45

Unknown

Before we lost connection, we were just having a discussion around the visual barrier. Mr. Powell was partway through his response before he was cut off. So if I can just come back to this issue, and I think that what I was seeking clarification before you lost connection, Mr. Powell, was the clarity on the parameters.

00:00:51:06 - 00:01:08:14

Unknown

The visual barrier would be always proposed to be understand it's a minimum of three meters high, but at the current stage we don't think there's any maximum specified. And equally I don't know what the length of it is likely to be.

00:01:09:00 - 00:01:27:04

Unknown

And so my sort of open question is, should that be part of the parameters included within the parameters table within the DCO? And I don't know whether you want to answer that or Ms. wants to or whether you want to defer that to consider it.

00:01:27:04 - 00:01:52:09

Unknown

But that that's the the question I'm posing at Claybrook on behalf of applicant. I'm happy to start and we have been able to liaise with Mr. Powell during the break as well. In terms of the vertical parameters, we can certainly look at that in terms of defining a maximum and a minimum parameter and providing you with that

00:01:52:10 - 00:02:15:34

Unknown

information should you require it then to form part of the parameters table and the schedule to the DCI? In terms of the lateral extent of the visual barrier, Mr. Powell has pointed me to the specific wording in the design process and codes document at para six six.

00:02:16:09 - 00:02:35:46

Unknown

I previously referred to it DC AOC 502, which refers to the visually impermeable barrier and being at least three meters high. It stipulates that it is to be installed along the western and eastern edge of the development platform for the ERF.

00:02:35:47 - 00:03:01:23

Unknown

So to a degree there are some descriptive parameters in terms of its extent and as I understand it, the precise length of it would be defined via the detailed design process pursuant to requirement three. That said, I'm reasonably confident as a consequence of that information that we ought to be able to define a maximum lateral extent by

00:03:01:23 - 00:03:24:39

Unknown

reference to that description. Yeah. I'm just interested. The wording in the design process and curves document refers to along the eastern and western edge. Does that mean there's two barriers? One either side. I will defer to Mr. Powell to clarify that the detail of the visual barrier in relation to both of those areas.

00:03:26:20 - 00:03:54:16

Unknown

Thank you. Thanks. Rob Paul, on behalf of the applicant. That is correct. There is also a security visual barrier on the eastern side of the platform as well. To serve the same purposes as the Western. Okay. So is the description in Schedule one correct or should it be plural?

00:03:55:13 - 00:04:27:27

Unknown

Because this 2 a.m. and I think it would be helpful if we go back to those section drawings, I'm assuming then there are two shown because there'll be one either side. Is that correct? Parliament half the applicant the the issue the section doesn't extend as shown on that diagram just then the section line doesn't extend all the

00:04:27:27 - 00:04:54:43

Unknown

way across to the eastern side of the platform for the RF. So there won't be two visual barriers shown on the section due to the extent that is shown. Okay. But I think it emphasizes and I think everyone understands where I'm coming from in getting clarity from you as to the location of the barriers, their height and

00:04:54:43 - 00:05:21:26

Unknown

length. And I think it would be sensible to have that clearly spelt out so everyone knows what it is that you're dealing with. And so hopefully that'll be something that you can do for the next deadline. On behalf that we take that way and just look at that wording and provide that clarity.

00:05:24:01 - 00:05:56:46

Unknown

Thank you. And just in terms of continuing on on this theme in response to the written question, ten .0.9. Again, it's rep to zero 33. You, in response to the questions, said the applicant will provide further text to clarify the role and function as the visual barrier around the ref, as shown on the visualizations when the updated

00:05:56:46 - 00:06:20:18

Unknown

design principles and codes document. Now, I don't think there are any visualizations in the Design and Principles and Codes document, so. And is that something I've misunderstood or should it be relating to the visualizations we've already shown, which are the app 59 figure A1?

00:06:24:36 - 00:06:52:11

Unknown

Robert Highland Park, the action that was in reference to the visuals, the Shining, the sun access statements, the photographic visuals provide an illustration of what the scheme would

look like. And you don't need to tell me now. But I think in part of your written summary, if you can point out to me the specific visuals you're referring

00:06:52:11 - 00:07:18:37

Unknown

to and because obviously the response to the question says it's the design principles and codes, not the design and access statement, the two quite separate documents. So I do want to understand which visualizations you mean. And so, again, if you can let me know that at the deadline six, that would be helpful.

00:07:22:31 - 00:07:51:05

Unknown

Ron Paul on behalf. I guess that's like problem top. Okay. So I just come to North Shore Council. Is there anything you would wish to say in light of what you've heard on this topic item? Thank you, sir.

00:07:51:06 - 00:08:09:12

Unknown

Andre Loaf. No thanks. Council. Not really. Anything to say, but maybe just a suggestion that probably the easiest for local residents and everybody. If there was just an indicative plan that showed the positions of the the barriers rather than trying to describe it in text, I think that might be the easiest approach.

00:08:12:12 - 00:08:39:05

Unknown

And I've come to other interested parties to see whether there's anything in addition they would wish to say. Okay. Come back to the applicant and. Claybrook on behalf of the applicant, I don't think we've got anything further to add.

00:08:39:05 - 00:08:54:38

Unknown

I think we're clear on the actions that we need to take away in terms of clarifying that position. Thank you. I'll now pass over to my colleague, Mr. Brown, who lead on the next topic item. Thank you, Edwin.

00:08:55:30 - 00:09:24:08

Unknown

So just to introduce this item briefly, we obviously need to be confident that the draft DCO achieves the first two policy aims of the policy and set out in the end 1.9 just for reference of avoiding significant adverse effects on health from noise and mitigating and minimize other adverse effects.

00:09:24:29 - 00:09:42:40

Unknown

As I said, set out in lan one of 5.7.9. So I've got a series of questions on noise to test the current approach as set out and consider whether a requirement limiting operational noise would be appropriate or more appropriate.

00:09:45:02 - 00:10:14:04

Unknown

So the the main document I'll be referring to will be the noise chapter of the yes, yes, 6.2.7, which is IP 055. And if we can bring up the visual aids, which is a yes dash 009 page eight, which will provide some context I think, and I can see on my screen here.

00:10:14:17 - 00:10:45:38

Unknown

So that's helpful. Which is the workPlan workPlan as I read one. So to begin with, if I just point or turn to table 20 on page 5960. Of IP 55 and just beat out briefly on what it says about Charmaine.

00:10:45:39 - 00:11:07:17

Unknown

I don't know if you pronounce it Charmaine, but I'm going to pronounce it Charmaine in Ancoats and Inglenook. And I'm. So this is this is a quote from from those assessment tape or the assessment table. And it says, Nighttime noise may result in an exceedance of background noise of five DBA, which indicates the potential start of an

00:11:07:17 - 00:11:23:01

Unknown

adverse impact. And it goes on to say a range of external noise levels, 40 to 45 DB like at night that provides a good standard for sleep within the building. So my question, my first question really is to the applicant.

00:11:24:31 - 00:11:45:11

Unknown

So despite the difference with the applicant maintaining a rating level of example in this case at Charmaine 42 means that it is not and not an adverse effect because it is in the range of 40 to 45. So I'll look at you.

00:11:45:12 - 00:12:01:47

Unknown

Ms.. But I appreciate you might wish to defer to Mr. Hogg on the applicant. Yes, you are correct in terms of the nature of that technical question. We do have Mr. Hogg online, who should be able to respond to that question.

00:12:03:01 - 00:12:37:21

Unknown

Thank you. Hello, sir. My name is Jamie Hogg, speaking on behalf of the applicant on matters of noise and vibration. So to answer that specific question, yes, you're correct. The predicted rating level of 42 TPI is considered to be an acceptable level of noise because it falls below the upper end of that range of of of noise

00:12:37:22 - 00:13:10:01

Unknown

levels, which is considered which is considered an acceptable level at night based on the guidance. And I say two, three, three. Thank you. So you've made reference there to PSA two, three, three. So could you just explain to us how how you get from the 8 to 33 guidance to that figure briefly?

00:13:12:09 - 00:13:48:01

Unknown

I am. Yes, of course. I don't have it in front of me, but I am so pretty. Standard 8233 provides design guidance on acceptable standards inside of various different types of buildings. And for a residential bedroom at nighttime, I believe it provides a level of 35 decibels indoors.

00:13:50:04 - 00:14:16:32

Unknown

And so assuming a level between outside and inside with the window partly open and gives the reduction of 15 DB. And then that leads to an sorry. Ten DB. I might have to get my figures straight on exactly what 83 three says.

00:14:16:32 - 00:14:43:09

Unknown

So we get a level four indoor outdoor of 10 to 15 DB and that that gives us higher level of 40 to 45 DB outside the property. Thank you. Thank you. That that's that's helpful. Can I can I pick you up on one word you used excuse the word acceptable I don't think correct me if I'm wrong

00:14:43:10 - 00:15:07:32

Unknown

I don't think the standard use of the word acceptable. I think it might use the word recommended, but by no means come back on that. No, I, I, I believe you're correct on that. Thank you. Okay. And I think did you did you mention I'll ask the question is, are there similar recommended levels of daytime?

00:15:08:33 - 00:15:33:19

Unknown

And if so, what are they? And there are and again, BSA two, three, three provides guidance on this. And it it sets out a level of of 5255 tpy for external areas used for amenity. Thank you. That's fine.

00:15:35:11 - 00:16:14:30

Unknown

So, so moving on. Could you explain? Well, some of the eyes really summarize how how the design to date has achieved this predicted rating level value of 42. This particular premises. Yes, of course. So I am in the U.S., which is AP 055, and a number of different scenarios were modeled and reported.

00:16:17:11 - 00:16:54:26

Unknown

Including scenarios which covered loading and unloading activities during daytime. And a further scenario, which included activities that would be present in between loading and unloading and and also at nighttime. And the modeling for this was based on and was based on experience from the design team in terms of noise levels which are considered achievable.

00:16:56:35 - 00:17:36:36

Unknown

For plant and equipment. I have a 3D model was built using software modeling system. Which takes into account topography and screening from nearby buildings and. And. So the noise levels were implemented in the model and used to predict noise levels at receptors near to the net of the site, including in icons.

00:17:40:01 - 00:18:06:43

Unknown

Okay. Can I just ask? He mentioned that modeling and so on. Could you give me some values assumed for some of the noise controlling elements within the design as it stands? Of course. So the modeling parameters are set out in Appendix C of the Noise Assessment Report.

00:18:09:29 - 00:18:33:42

Unknown

And. There are there are several tables listing quite a lot of data inputs and I assume you don't. Want me to read out? No, I just I could just for the for the record, as they say, it would be helpful to have a an indication of the sort of values that have been used in the design so

00:18:33:42 - 00:18:53:26

Unknown

far. Not not chapter and verse, but just for people to get an appreciation of what has been assumed in the design. And so I could start with the first table which set out noise source levels assumed in the noise model for the RF area.

00:18:53:43 - 00:19:20:07

Unknown

And so examples would be the boiler and FTT Hole Hall are based on an external building facade level of 54 decibels sound power level PAMMY two squared, which is based on an internal reverberant level of H2 for dispels and building planning designs with an insertion loss of 30 decibels.

00:19:21:14 - 00:19:43:46

Unknown

And the stack would be the next listed in the table, assumed to have an a noise source level of 87 decibel level. I am. Within assumed height of 20 meters above ground level. And that's. That's fine. I think that's.

00:19:44:08 - 00:20:09:44

Unknown

That's absolutely perfect. Thank you. So if we can take you back to tables 15 to 19. And I'll just I'll just read out a footnote. An acoustic feature correction has not been applied in this assessment because it is most likely that the need for correction can be avoided during the detailed design phase.

00:20:10:40 - 00:20:37:33

Unknown

So can you just tell me what sort of values that panel of code, a penalty here? What sort of values could that correction be? So we have, we have assumed a correction of zero DPI in the assessment because it is most likely the week that the need for a correction can be designed out during detailed design.

00:20:38:28 - 00:21:18:02

Unknown

Best and for two allows for corrections for tonality impulsivity. Intermittency. And another. Another teacher correction and a distinctiveness. And. The the penalty for that, the maximum penalty that can be applied to tonality, I believe is six decibels. The maximum for impulsivity is

nine, maximum for intermittency is three, and the maximum for the distinctive corrections is, again, three

00:21:19:03 - 00:21:39:49

Unknown

. Not all of these could be applied simultaneously. Thank you for that. So so if I can summarize that to say there is that there would be the potential for up to nine perhaps as a worst case scenario, if a worst case scenario would be added to the.

00:21:40:00 - 00:22:02:06

Unknown

So the the uncollected level, if you like, to create the waiting level. Is that is that is that reasonable? Again, we. We haven't applied a correction because we feel it's most likely that the corrections, the need for a correction can be avoided during detailed design.

00:22:02:12 - 00:22:16:42

Unknown

Okay. So let me turn that around and actually put it this way. So so that was I think you mentioned in your previous answer, certain elements would have an insertion loss. I think you use that term of 30 DB through the detail design.

00:22:16:42 - 00:22:35:22

Unknown

As the design develops, depending on the specific source, I understand there'll be different types of source within within the proposed development. You could then you could engineer in or design in additional reduction attenuation. Is that is that true?

00:22:37:26 - 00:23:10:49

Unknown

And it's true. It's certainly true to say that the assessment is based on a number of conservatism. And that built in. So. Okay. So examples of that would be. The the a number of areas where we don't include screening of no noise items in the model.

00:23:10:49 - 00:23:43:26

Unknown

So for example, during loading and unloading, we haven't included in screening from a vessel or from a train. The model uses the ISO 9613 prediction model, which incorporates incorporates an assumption of a downwind correction and, and based on the based on the wind rows presented in the air quality assessment.

00:23:44:03 - 00:24:11:06

Unknown

And. Which is AP 053. A wind direction towards quads is actually of low likelihood on average and the vast majority of the time that it flows in the different direction and. That's fine. That's. Yeah, I understand the point you tried to make.

00:24:11:40 - 00:24:28:05

Unknown

Let me try and draw this together, because I think I think that's. Well, just sort of the sort of some of this. So the design has assumed a certain level of mitigation within it to produce those predicted values that you've that we've just discussed.

00:24:28:07 - 00:24:56:16

Unknown

Is that is that true? Yes, that is that is true. And it assumes a certain level of mitigation which we're confident can be achieved. And as the design progresses, we will also be investigating further mitigation options, which we haven't taken into account or built into the assessment that's reported in the U.S. and and which is likely to

00:24:56:17 - 00:25:17:09

Unknown

to provide further benefit and reduce noise levels further. But at this stage, the assessment includes a certain level of mitigation, which we're confident at this stage can be achieved. That's fine. Thank you. So I'll ask you this question.

00:25:17:44 - 00:25:37:28

Unknown

I appreciate it. My wish to intervene. I'll ask you this question. If you were if you were seeking to secure that mitigation to a noise limit, what what in your view, would be a reasonable approach to take or in broad terms, what would that limit look like?

00:25:40:20 - 00:26:23:23

Unknown

And. So currently. There is an occupational environmental management plan which seeks to which commits to meeting the rating levels reported in the U.S. and sets out a number of measures to achieve those ends, as well as committing to investigating further mitigation to reduce noise levels below what is predicted in the YES and the operational environmental management plan

00:26:24:06 - 00:26:56:14

Unknown

is currently secured by requirement for the draft DCO and. Which is a rep 5-005. I guess. I'm sure that would be very helpful. There was a there was a I think it might be fair to say that I'm not being unfair here.

00:26:58:12 - 00:27:27:44

Unknown

That doesn't set out a limit, does it? No way. Within the operational involvement management plan, does it actually put forward a noise limit and such? So it's worth am I to address that point directly? I mean, I think it's it's intended that the project the project intends to commit to achieving the limit in there.

00:27:27:45 - 00:27:55:47

Unknown

And it may be that we need to clarify the wording in the operational environmental management plan to to make that to make that point clear. And. In terms of in terms of just to add a little more detail on securing this these measures, it's anticipated the management and mitigation measures would be secured as part of an environmental

00:27:56:03 - 00:28:20:04

Unknown

management system within the environmental permit and for which the local authority, not Lincs Council, would be a consultee. However, in the process of establishing the installation boundary that defines which activity is covered by the environmental permit, and this is a process which is currently ongoing.

00:28:21:23 - 00:28:46:12

Unknown

But anything that's that's not covered by the environmental permit would be covered then by the Operational Environmental Management Plan, which is assessed by a requirement for the draft DCO. I suppose really I perhaps like most North Lincolnshire took to comment on this in a moment perhaps.

00:28:48:22 - 00:29:07:12

Unknown

Wouldn't it just be more you would use the word intention there I think didn't you longer during that during the answer. Wouldn't it just be more straightforward just just to put forward achievable values as a noise limit, as a requirement in the in the order?

00:29:07:29 - 00:29:29:20

Unknown

And if you do want to answer that. Oh, I'm sorry. I thought you were going to answer that. So. So would you like to answer that, or would you like to respond? I'm not the Jamie Hook for the.

00:29:29:25 - 00:29:42:32

Unknown

Speaking for the applicant. Sorry. I wasn't quite sure he would addressing your question to. So is that that was that was to me or not to Claire. I don't want to I don't mind who answers it. Okay. I don't want that confusion as to the answer.

00:29:43:15 - 00:30:07:24

Unknown

I'm quite happy to take it. I acknowledge that that's the wording in the. The Operation Environmental Management Plan may need to be clarified. Am. So but the, the, the measures in there are skewed by a draft by a requirement in the draft TCO requirement for.

00:30:07:36 - 00:30:27:44

Unknown

And I think in terms of sort of perhaps more specifics on on the securing mechanisms, I may defer to two colleagues. Ask Mr. Murphy or. Can I speak? Can I just pick up in just a to sort of summarize what I think we've got to.

00:30:27:46 - 00:30:43:17

Unknown

Before before asking each of you. We have a design, an early stage design at the moment, don't we? I think it's fair to call it I call it conceptual design. It assumes a level of mitigation. I think we've we've clearly got that out there.

00:30:44:25 - 00:31:03:34

Unknown

It achieves levels that are noise levels. And I talk about the night time noise levels for the time being. But in principle, the one I focus on is the night time noise level at the village of Ancoats that are in line with or consistent with, broadly speaking, the guidance in HCC three.

00:31:05:27 - 00:31:16:10

Unknown

But I'll come back to the point that this is a design. This is within the design stage. We're not an operating stage. We are designing the proposed developments. Also, you design the proposals for somebody else with design the proposal.

00:31:17:16 - 00:31:44:06

Unknown

I wouldn't it's simply be more straightforward to, in fact, that everybody's benefit includes the council and the community to know to know what the outcome is going to be. And now I will. Thank you. Claire Brook On behalf of the applicant, I completely understand where you're coming from in terms of whether or not it would be appropriate

00:31:44:07 - 00:32:11:26

Unknown

to specify a single noise limit in a, particularly by reference to nighttime noise or daytime noise for that matter. Mr. Hogg, I think, has explained the position as set out in the ENP. And just for your references in particular, paragraph 9 to 1 three of the that that currently addresses the position in terms of how the assumed

00:32:11:26 - 00:32:34:44

Unknown

noise levels that form part of the ice will be met and will continue to be met and the measures that will be required in order to ensure that that is the case. Also, I think Mr. Hogg has explained that clearly there's a subsequent, more detailed design phase which will define the specific technology, so on and so forth

00:32:35:06 - 00:33:01:25

Unknown

, the specific machinery which will have specific noise rating levels that can then form part of the noise measures that can be achieved. My understanding is that the reason is that we would say not appropriate with respect to set a single noise limit is that there are a number of different modes of operation and we can, I suspect

00:33:01:47 - 00:33:23:39

Unknown

, specifically refer to the assumed noise levels that are referenced in the. Yes, with respect to the ranges and the rating levels for daytime, nighttime noise levels. But my understanding is that that our position would be that at this point it wouldn't be appropriate to specify a specific noise limit.

00:33:24:10 - 00:33:45:46

Unknown

It may be that, as Mr. Hodges outlined, we can achieve some improvements on the reasonable worst case scenarios that that have been assessed for current purposes. Additional mitigation may come forward that mean that we can actually achieve a lower noise limit than has been assumed in terms of the ranges that form part of the.

00:33:45:46 - 00:34:13:41

Unknown

Yes. And the other point I would also refer to as well, Mr. Hogg has referenced the position under the environmental permit and I'm conscious that the Environment Agency are also here. A point raised by NLC was to understand how noise, operational noise in particular will be managed between the DCO and the permit.

00:34:13:42 - 00:34:39:24

Unknown

So we've had discussions in terms of how noise will be controlled on the face of the permit. And again, there is a standard form of condition that is on a on the face of the permit which seeks to control in a similar fashion by reference to risk assessment, detailed design and and detailed information will need to be

00:34:39:24 - 00:35:01:13

Unknown

provided as part of the permit application to demonstrate the noise levels that are achievable and that they will meet best available techniques and be acceptable. The condition then, on the face of the permit itself doesn't refer to a specific noise limit, but refers to the fact that the noise has to be controlled sufficiently to a level at

00:35:01:13 - 00:35:19:42

Unknown

the boundary of the installation for the permit. So it's a similar approach to the one adopted in the DCO. But you're correct that at this stage we we don't advocate a specific noise limit. We can provide further rationale for that if if you require that.

00:35:20:35 - 00:35:43:46

Unknown

Can I? Can I. That's helpful. It was familiar territory. I just mentioned a couple of things and then I'll give no thanks a chance. If you look at one five, 11, ten, which obviously follows on directly from 511 nine, and it says and I think I'll just quote it here when preparing the development consent order, the IPC

00:35:44:13 - 00:36:14:35

Unknown

as well as should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. So clearly what seems to me that that is pointing, pointing, pointing you to the inclusion of a suitable, achievable, you know, enforce all the usual tests

00:36:14:35 - 00:36:29:09

Unknown

that you would apply to something and you can have a daytime and a night time and so on and so forth. So I'll, I'll, I'll just leave that there and ask and ask North Lincolnshire to, to, to say what they'd like to say.

00:36:31:32 - 00:36:51:20

Unknown

Thank you, sir. Andrew Loaf and All Things Council. I suppose there's two points that I would like to make. First is to answer your question, and yes, we would find it much easier, clearer, simpler if there was a a stated maximum noise level for enforcement purposes without having to delve through different documents to try and try and

00:36:51:20 - 00:37:08:19

Unknown

figure out what's going on. I think that's clearer for everyone, easier and for our enforcement if we do have to monitor that. I suppose the second point that's linked to that is I think we've heard that the assessment that's being carried out is based on a lot of very conservative assessments.

00:37:09:47 - 00:37:28:47

Unknown

And intentions to investigate further mitigation to lower levels, etc., etc.. On that basis, I would assume that it would be quite easy to commit to a maximum noise level because what the applicants telling us is actually they think they would be achieving less noise than what they've what they've assessed.

00:37:28:47 - 00:37:46:14

Unknown

I think we've already expressed a concern to our comments regarding some of the assumptions and all of the corrections and things like that through the assessments. I think there would be a slight concern if the if there isn't a willingness to commit to a maximum level.

00:37:47:22 - 00:38:09:40

Unknown

We are sure that the assumptions that are made are actually sound, I suppose. Thank you. Obviously I can invite the applicant to respond to the Tobruk on behalf of the applicant. Absolutely. Understand what my colleague Mr. Laws is, is stating and also yourself in terms of in one paragraph, five, 1110.

00:38:10:11 - 00:38:27:13

Unknown

Yes, we've had specific regard to that and that does cross referred to any limits that are set in a DCO does not stipulate that you must set limits within a DCO. And certainly we've had recourse to other DCO and other approaches.

00:38:27:42 - 00:38:53:21

Unknown

And whether or not it is typical to set a maximum level, I think we can update the ANP to reference the assumptions and the yes is the intention of the ANP that the maximum limits are those of assessment parameters that have been assumed in the ESS, and perhaps we can clarify that so that there is a degree

00:38:53:21 - 00:39:15:14

Unknown

of confidence around the limits that are achievable and the ability to enforce achievement of those limits. We will not be able to, by reference to what stipulated in the area, may be able to exceed those limits and it would be open to an LC to enforce by reference to compliance with what we have stipulated in the ANP

00:39:15:43 - 00:39:39:31

Unknown

. But I do understand where you're both coming from with that regard. We do have Mr. Murphy online. I don't know if Mr. Murphy at this stage wants to add anything further, but we can take that away and come back with further confirmation and all to add to the summary of what we've said verbally today, if you I'll

00:39:40:32 - 00:40:06:37

Unknown

draw this to a close, I think. But well, at the moment, would you like to. I'd be interested to hear what the Environment Agency have got to say in regard to what the environmental permit may do. But also, I'd like to hear a bit more from the applicant, the council and the Environment Agency potentially about when it

00:40:06:37 - 00:40:28:44

Unknown

comes to managing the noise from the development, who's exactly responsible for what, because as you quite rightly say, the environmental permit has yet to be submitted, as far as I understand it. So the boundary to the site for the permit has yet to be defined.

00:40:30:08 - 00:40:57:05

Unknown

And so there's quite a lot of uncertainty at the moment as who might be responsible for what and who would be monitoring what and enforcing what. And I think it's beholden on you as the applicant to make it clear on its face to help the public as much as anything and know who they can turn to in

00:40:57:06 - 00:41:22:45

Unknown

the event something goes wrong. But also for everybody's clarity that which elements are going to be within the permit and which we need to be considering today as examining the DCO. So who shall I come to first? If I ask the Environment Agency for their comments in the first instance, and then I'll come back to the council

00:41:23:15 - 00:41:41:42

Unknown

and then come back to you as the applicant. Sorry, I want to disagree with that. So it may help the Environment Agency if I firstly refer to the DCO, but for it by all means exists. And Claire Brook on behalf of the applicant.

00:41:43:44 - 00:42:08:45

Unknown

Absolutely understand that as we sit here today, we don't have a permit. We don't have a defined installation boundary. And in anticipation of the acknowledgment that there will be control of noise under the permit and control of noise under the DCO and not wanting to have any duplication, there are drafting in particular of requirement for seven.

00:42:11:19 - 00:42:34:38

Unknown

Stipulates that the details of the MP must be in accordance with the conditions of the permit and also incorporate potentially a noise management plan. And I say potentially, because the

wording in brackets is there will only be a need for a noise management plan pursuant to the DCO.

00:42:35:27 - 00:43:00:44

Unknown

To the extent that such matters are not covered in the environmental management system required under the permit. My understanding from our technical experts in terms of the defining of the installation boundary, the permit will control all activities that take place within that permanent boundary.

00:43:02:16 - 00:43:20:16

Unknown

And in order to define that perfect boundary, there is further work to do, in particular to look at the loading and unloading from the wharf and from the railhead and whether or not we don't yet know at this stage.

00:43:21:25 - 00:43:40:32

Unknown

The permit boundary would extend beyond and include those areas such that the permit could control those that unloading and loading. So that's a particular example. And we're not yet at the point where we have sufficiently defined the installation boundary.

00:43:40:32 - 00:44:01:41

Unknown

So we feel it's prudent to include the wording and requirement for seven to account for the possibility that we may need to control noise via the ANP and have a separate noise management plan for those activities that could take place outside the permit boundary.

00:44:03:23 - 00:44:23:30

Unknown

So that that's the rationale, if that's helpful. And I apologize for interjecting, but I was hoping to help the employment agency understand the way in which the DCO is drafted currently. Thank you. Thank you. If I can come to the Environment Agency, then just to hear their views on this particular topic.

00:44:23:37 - 00:44:52:29

Unknown

If you can assist us. Thank you, sir. Annette Hewitt for the Environment Agency. I'm. I think it's very, very difficult to say anything definitive insofar as we don't have a poet's application in front of us. But generally speaking, we are able to put a condition on a permit that would require the activities that shall be free from

00:44:52:29 - 00:45:12:41

Unknown

noise and vibration that are likely to cause and pollution outside of the site. But as explained by Mr. Brook and I do sort of concur with everything she said, and I really don't have a view that it's necessary to do anything more than has already been done in terms of the DCA.

00:45:13:11 - 00:45:29:31

Unknown

But that is purely from the perspective of the environment and the fact that we are limited to controlling within site, within the site boundary and say as hasn't yet been defined, then it seems appropriate what is being suggested.

00:45:30:27 - 00:45:49:03

Unknown

Thank you. Thank you. Coming into North Lincolnshire Council. I thank you, sir Andre Lowe for Northants Council. And I mean, I agree. It's not clear at the moment exactly what the site boundary will be for the environmental permit.

00:45:49:27 - 00:46:11:28

Unknown

What I would say from discussions with colleagues in our Environmental Protection team is that within North Lincolnshire, we we do have sites that are permitted that do have wharfs, trailheads, etc. for loading, unloading activities. And in general those areas are included within the the red line, which is directly linked to the, the operation of the facility.

00:46:14:11 - 00:46:32:23

Unknown

But this is not our decision. We don't have a choice as to whether that is including nothing that would, you know, be for the EPA through the permitting process. I think there is a need to cover the eventuality that the loading and offloading areas won't be won't be covered by the environmental permit, in which case the the

00:46:32:26 - 00:47:03:31

Unknown

noise management plan would would need to kick in, as it were. Thank you. Thank you for that. So if we can disagree, having heard those discussions, I would ask you to go away and consider this very carefully. Perhaps I just finally point out, you've probably seen the the DCI Academy.

00:47:06:44 - 00:47:27:20

Unknown

As an example of where a limit has been set within the DCA, which would be which would be in your area as well. Would you think that you or not that could be circuit B three? Yeah. Apologies. P.P.S. I hope BBC pronouncing can be so I'll use the BBC pronunciation.

00:47:30:27 - 00:47:49:32

Unknown

Anyway, I think. I think you're clear what we'd like you to look at. Yes, Claybrook. On behalf that's absolutely clear. And I should have also said that we are looking for other examples of permits where they have included exactly what Mr. Laws has referred to the the unloading and loading areas.

00:47:50:03 - 00:48:04:15

Unknown

So we have asked our team that are dealing with the permit application to see if they can provide any further examples. Clearly we won't have certainty, but we know that it's potentially possible to do that. But yes, we will.

00:48:04:16 - 00:48:32:49

Unknown

We will look at specific diseases and look at keeping B3 and take that point away on noise limits and how we might amend the MP as well. And I would also ask that the way that the requirement for Subparagraphs seven is worded would appear to suggest that any noise limit will be aligned with the noise control within

00:48:33:00 - 00:48:54:28

Unknown

the environmental permit, if I've read that correctly. So and bearing in mind that these the DCO that's being dealt with first and we need to be confident the level that you've set out within the environmental statement is, is the worst case scenario.

00:48:55:14 - 00:49:16:23

Unknown

And I don't know how it works in terms of how environmental permits are limiting the noise level. And so I just want to make sure that we're not inadvertently allowing a higher level than we would otherwise. Claybrook on behalf of Upton?

00:49:16:23 - 00:49:38:39

Unknown

Yes. Absolutely. Understand that point. My understanding of the typical way in which a permit will deal with controlling noise. Again, this is not by reference to a specific noise limit. That's not to say that in some cases they do impose imposed noise limits for specific activities.

00:49:39:31 - 00:49:53:34

Unknown

But I will take that point away and also look at the wording of Force Seven to ensure that we don't find ourselves in a position that will not enable us to be in compliance with any permit that is subsequently granted.

00:49:55:25 - 00:50:14:35

Unknown

The way it's worded, I don't think you would be, I think but I think there is the potential that it's the other way around because if, for example, the permit was to I don't know what step stipulate you were allowed a higher figure.

00:50:15:03 - 00:50:37:24

Unknown

You'd be allowed to have a higher figure because you would then be aligned with it, which clearly isn't desirable from our point of view in examining this and just thinking aloud. Therefore, would it not be again more prudent to say on its face, this is your maximum for your nighttime and your daytime?

00:50:37:41 - 00:51:03:13

Unknown

It's there? Honest, everyone's clear. Well, we're working, too. And then any permit that's issued afterwards, if that's a lower level, fantastic. And but the desire will still be right at the higher level. If, you know, if you see what do we need to know what the absolute maximum is and that the House has a properly assessed it

00:51:03:35 - 00:51:19:18

Unknown

and that residents in the vicinity are appropriately protected because we don't know what the permit is going to do and we won't know by the end of the examination. So for us to say confidently to the Secretary State, this has been satisfactory, resolved.

00:51:19:49 - 00:51:34:30

Unknown

It needs to be dealt with now, doesn't it? Sir, I understand your question. We will take that away and provide a more substantive response on that point. Thank you. I don't think I'll add anything further at this stage.

00:51:34:31 - 00:52:23:06

Unknown

No, that's fine. We bought that on six. Yes. Okay. Thank you. Okay. Then if I can move on to I'm sorry, I should have asked, were there any other interested parties wishing to say anything on that point before we move on?

00:52:25:22 - 00:52:44:42

Unknown

No. No. Okay. Thank you. So we then got within the next item on the agenda, a series of articles and requirements that were referenced specifically within the Local Impact Report from North Lincolnshire Council. And so if we can go.

00:52:45:26 - 00:53:11:48

Unknown

The reason I've put these on specifically is they're not directly referenced in the statement of Common Ground and we want to be comfortable that we understand each party's respective positions with them. So if I could start then on articles 11 to 16 in respect of street works and I can come to North Lincolnshire Council in the first

00:53:12:22 - 00:53:33:42

Unknown

instance, have the adjustments that we've now received in the latest revision to the DCO, resolves the concerns that you'd identified on those articles. Thank you, sir. Under law for no offense, counsel. Yes, the the revisions have addressed our concerns.

00:53:34:39 - 00:53:50:41

Unknown

We don't have any any outstanding concerns with regards to Articles 1116. That is something that we can include within the statement of Common Ground, if that be helpful. I think it just makes it very plain to everybody that the issues have been been dealt with.

00:53:51:04 - 00:54:10:23

Unknown

And it may be then it will be fairly quick to run through these. Next, less so is the position the same four requirements three, four and ten three is the. I should have kept this open. And bear with me.

00:54:16:09 - 00:54:44:22

Unknown

Yeah. Yeah. Three years on detailed design for his on the environmental management. And ten is the definition of preliminary works. Yeah. Thank you, sir. Andrew laugh in all things council, I think the answer will be the same largely.

00:54:45:31 - 00:55:06:43

Unknown

We are obviously in discussions with regards to the design review panel framework and that's that is forming part of the statement of common ground at the moment, those discussions. But yes, I think with regards to requirement three, you know, we're now content and requirement four has been updated to include the elements.

00:55:06:43 - 00:55:23:31

Unknown

I believe that we we raised of concern there wasn't reference to noise and and vibration, etc. that's now being updated, updated and included and requirements. And we were, you know, we were happy with the explanation that was given with regards to that definition on preliminary work.

00:55:23:32 - 00:55:44:11

Unknown

So I think they just need to be included in a statement of common ground and that'll be clear for everyone. Okay. Thank you. And then requirement 11, in respect of the the heritage, the archeology and got a specific question on subparagraph E within the latest.

00:55:48:17 - 00:56:16:37

Unknown

Wording on the video. The way I read that and what I understood to have been said at issue specific hearing 3 a.m. from the applicant's representative. There was an agreement that an overarching archeological mitigation strategy would be required prior to the end of the examination and prior to the granting of the DCO.

00:56:17:39 - 00:56:42:12

Unknown

But I don't think that's how Subparagraph E is now worded. So am I misunderstanding either what was said at issue specific hearing three or the wording under subparagraph? So can I just come to you, Mr. Law, first in in asking those two questions in the first instance.

00:56:44:47 - 00:57:04:03

Unknown

Yes. Thank you, sir. Andrew Lowe of Northants Council. Again, this is a an element that is still in discussion and is going to form part of the statement of common ground. But I think our position is still that we would expect to see the overarching mitigation strategy submitted prior to the close of the examination.

00:57:05:25 - 00:57:30:39

Unknown

And do you agree that as it's worded, subparagraph E, that's not what it's asking because and I don't know, maybe you haven't got it in front of you, but it seems to me that it says, as it does for Subparagraph D and submitted to the relevant, relevant planning authority for approval, an overarching archeological.

00:57:30:42 - 00:57:56:20

Unknown

You'll get my words around archeological mitigation strategy details or mitigation measures to preserve and if necessary and hence and you know, I'll come to you, Brook, if I misunderstood the the intention of the wording of that and or what was said at the issue specific hearing.

00:57:57:38 - 00:58:23:02

Unknown

CLAYBROOK On behalf of the applicant, we do have Charles Arthur, who will be able to confirm precisely which documents we will be submitting prior to the close of the examination. But you haven't misunderstood the drafting of requirement 11, which does stipulate that we can't commence the development until we've provided a copy of that overarching archeological mitigation strategy

00:58:23:48 - 00:58:47:04

Unknown

of anything that we commit to that happens before the DCO is granted will not be referenced within the terms of the DCO itself, but it stipulates that we can't commence until we provide that document. The reason for including that reference within the requirement is then we then need to demonstrate compliance with that strategy in terms of how

00:58:47:04 - 00:59:04:22

Unknown

the development is then implemented. So it's still necessary to have the requirement to provide that document on the face of the drafting of the requirement. But I'll let Mr. Arthur confirm which documents we will be providing to you before the close of the examination.

00:59:05:40 - 00:59:29:01

Unknown

Thank you. Hi there. It's Charles Arthur on behalf of the applicant. And yes, I can confirm what Claire's saying is that we are planning to submit the overarching mitigation strategy deadline nine, along with the updated assessment report as stipulated in requirement 11.

00:59:29:31 - 00:59:47:46

Unknown

And and I think we can have a look at the exact wording, but I think I agree with the way that Claire responded there. And I just want to sort of emphasize that we are working continue to work very closely with North and State Council and have a workshop designed specifically to set out the sort of agreed

00:59:47:46 - 01:00:08:25

Unknown

terms for this mitigation strategy on Friday, actually, to sort of follow on from from from the hearing. So we'll be fleshing that out in collaboration with with North Lincolnshire Council. So yeah, basically I think it's just it's it's perhaps know we look we can relook at that wording and ensure that it that it it's clear that it

01:00:08:25 - 01:00:38:03

Unknown

will also be included in in the DCI submission. Thank you. Thank you, sir. I think I do need some more help from you as to how how this hangs together in practice. Because if the intention is to

effectively get to a conclusion of an agreed, overarching mitigation strategy prior to the end of the examination, I think I

01:00:38:03 - 01:00:58:27

Unknown

think that's the intention. And so that would be a document that would be within the examination. And. Shouldn't, then the wording of the requirement be say it shall be done in accordance with that agreed document and then this.

01:00:59:10 - 01:01:21:15

Unknown

I thought we were expecting written schemes of investigation for individual elements, relying on that overarching strategy. Claire Brook On behalf of the applicant, yes. My understanding is that we will submit, I think, as Mr. Arthur has confirmed, the overarching.

01:01:22:05 - 01:01:46:23

Unknown

Get the wording right. Overarching archeological mitigation strategy by deadline nine in terms of the requirement drafting that needs to be submitted to the relevant planning authority for approval. Mind standing is and correct me if I'm wrong, Mr. Aref, I'll let him speak subsequently whether or not that will represent sufficient time for and probably more a question to

01:01:46:25 - 01:02:01:46

Unknown

to and I'll say the ability to approve that strategy. So it still requires approval. That won't happen, Brian. I think prior to the close of the examination may happen in the interim phase before the Secretary of state decision.

01:02:03:20 - 01:02:20:23

Unknown

But the wording is protective to ensure that the requirement for it to be approved by NLC. Is secured and then the implementation is of an approved document. So it may go through an iteration, further iterations before we get the final version.

01:02:22:22 - 01:02:43:13

Unknown

Okay? Yeah. I don't know whether you anything further you'd wish to say Mr. after following Ms.. Brooks and just, just to sort of emphasize that I'm you know, we have this workshop coming up on Friday, and there will be you know, this is a document that will be reviewed by North Ayrshire Council before it is submitted at

01:02:43:13 - 01:03:03:45

Unknown

deadline nine, say and and in terms of the approval it may have to go through. You know, it's going to go through a number of iterations, but it will will have been reviewed. And hopefully we can come to some some kind of agreement, which we could then clarify in the final set of documents that are submitted, a

01:03:03:45 - 01:03:29:43

Unknown

deadline nine along with these this strategy document and the updated assessment. Yeah, I hope that clarifies things. Thank you. If I can come to North Lincolnshire Council, then it is the approval process. You're going through his delegated thing, or is that going to be a need to have a committee approval?

01:03:29:44 - 01:03:49:43

Unknown

And in terms of the timeframes that we're working to, is it something you're likely to be in a situation where an approval could be made before the end of the examination? Thank you, sir. Andrew Lowe for North East Council.

01:03:50:08 - 01:04:07:03

Unknown

Yeah. I mean the the approval process with regards to the discussions around requirement 11 would would be a delegated approval process. I mean, it may be that we've already seen the document and approved it prior to to yourself see it being submitted.

01:04:07:30 - 01:04:24:24

Unknown

So I know the Cultural Heritage Officer is working with the applicants and discussing this constantly. So. Yes. I suppose there is potential that you'll you'll have the document with you have our agreement to it prior to the close of the examination.

01:04:24:24 - 01:04:41:05

Unknown

But I can't guarantee you that at this point in time because we still haven't seen the document. Okay. I'll come back to Ms.. Brooke Claybrook on behalf of the applicant. So if it helps, we can obviously provide a deadline.

01:04:41:11 - 01:05:04:35

Unknown

Ten are final. I can't recall now if it's deadline nine or don't. I think it's deadline nine for our final documents. Something's not right. Or that deadline ten. If if we've got to the point where we have an approved strategy, we can provide amended wording for requirement 11, which makes it clear that that document is already approved

01:05:06:41 - 01:05:21:23

Unknown

. It may be that there's no harm caused either way if it's if it remains as drafted. But I take the point that it could be an approved form at. That juncture, and we ought to refer to a specific document.

01:05:22:26 - 01:05:45:49

Unknown

Yeah, I think my reservation when I first read the requirement wording was that I was under the impression that the Council were keen to have an agreed document in advance of the DCO. Effectively the examination closing and I thought Mr. Arthur was in agreement that that was the correct approach.

01:05:46:38 - 01:06:13:21

Unknown

And so that's what I was hoping that we would achieve. And then there's a nice clarity, I think that we have that agreement in place and we can report to Secretary of State that it is so. But if it's not been agreed, I understand that you have written in a reserve position that allows the council to approve

01:06:13:21 - 01:06:35:33

Unknown

it in due course and it would prevent you from commencing development. But it leaves this sort of slight question mark for us in reporting to the secretary of state is, well, how far apart are they? You know, quite where does it leave us when both parties seem to be in agreement that this really something should be agreed

01:06:35:33 - 01:07:09:16

Unknown

in advance? So that's the the nub of the question, really. Claybrook on behalf of the applicant, just to close closed that off, then we'll do our best to expedite that. There is a meeting taking place on Friday and hopefully we can work together with the council so that we are able to agree that document.

01:07:09:48 - 01:07:22:27

Unknown

We'll certainly use our best endeavors to do so. Thank you. Or at least provide an update at the close of the examination as to where the respective parties are and address that as appropriate in the statement of Common Ground as well.

01:07:23:05 - 01:07:56:23

Unknown

Yes, that would be helpful. Thank you. Okay. Then go on to Requirement 12, which really looking at the issue in respect of emergency planning in the event of a flood event. And I just clarify with North Lincolnshire Council that they are content, they have sufficient information to judge that matter and contend that their responsibilities can be appropriately

01:07:56:23 - 01:08:23:25

Unknown

managed and safeguarded and delivered in terms of how Requirement 12 is now drafted. Thank you, sir. Andrew Love and all things council. I mean, yes, we are. We are content with the draft and if requirement 12 that we do have enough information at the present time and and our emergency planning team would would be able to review

01:08:23:25 - 01:08:44:38

Unknown

and agree a detailed plan in line with that with requirement 12 post decision. Okay. Now that's clear. Thank you. And equally with requirement 14, again securing the completion of the new access road. I thank you, sir, under your law, for no offense, counsel.

01:08:46:20 - 01:09:11:16

Unknown

We understand the position that is being put forward by the applicant. I suppose it just it was just a question on I think it refers back to Article 13, I believe, off the top of my head to secure these 13 to just which is so being relied upon to secure the completion of of the access road.

01:09:13:48 - 01:09:32:34

Unknown

Because the article requires that prior to the stopping up of I believe it started the road that the replacement road has to be has to become completed to the satisfaction of the authority. I do note that that article does allow for a temporary road to be put in instead if that is not to be the case.

01:09:32:34 - 01:09:47:30

Unknown

And. I think we would have just liked the clarity and the requirement. I think that there was a tailpiece that said it shall be completed prior to any part being brought into operation rather than having to, I suppose.

01:09:48:44 - 01:10:03:01

Unknown

Seek around the document to try and to try and find the relevant part and to whether it has actually been secured. I think Article 13 probably will secure the road coming out in its intention that the temporary road will be put in and then relied upon permanently.

01:10:03:01 - 01:10:22:11

Unknown

But, you know, I think just for clarity and just for security, a highways officer felt that the standard way of word and a conditional requirement would just have that tailpiece on that what's been agreed is actually done and is is completed prior to prior to operation.

01:10:25:27 - 01:10:54:14

Unknown

Come to the applicant and Claybrook on behalf of the applicant. And yes, it is reference to Article 13 to, as Mr. Laws refers to, that does ensure that we're not able to operate and use the new access road unless and until the relevant part of the road has been stopped up between the points, it's actually points A1

01:10:54:14 - 01:11:12:11

Unknown

and A2, which is stipulated on the rights of way and access plans, sheets four and five. I don't have the reference to Hamm for those documents, but it sheets form five which are cross-referenced in particular in schedule four of the DCI.

01:11:12:17 - 01:11:40:29

Unknown

So that that is the mechanism that we rely on. In addition to that, we have requirement two on phasing and requirement three on detailed design. And those two requirements will also provide the opportunity for an LC to stipulate timing and phasing around the access road and then also the detailed design piece as well.

01:11:41:18 - 01:12:05:09

Unknown

So the reference for the rights of way in access plans is a REP 3005. But again, we're happy to continue discussions with NLC to ensure that they are comfortable with the drafting of the decision and that it does secure the completion of the access road as they require.

01:12:06:07 - 01:12:25:38

Unknown

Yeah, I mean, I think that's what what I'm hoping for because at the moment requirement 14 says undertaker must not commence development of the energy part works for the railway into railway reinstatement works excluding any preliminaries until the new access road has been constructed to base course level and connect it to the highway.

01:12:26:05 - 01:12:44:34

Unknown

So that's takes you wrote to base course level but I'm not certain unless I missed it the the article 13 to then says and the road shall be completed because article 32 is about the closure of stay the Road.

01:12:44:35 - 01:13:03:37

Unknown

It's not about the new access road. It's just saying you you can't use the new access road for operation until this day. The road is closed. If I've got that right, hopefully. But there's still nothing there saying that the the new access road is going to be finished.

01:13:04:27 - 01:13:25:09

Unknown

So that's the bit I'm looking to find that trigger so that it can be finished, presumably adopted or finished to adoptable standard and made available to the public. That's the bit of the connection I'm wanting the certainty of Claire Brook on behalf of the applicant.

01:13:26:03 - 01:13:47:28

Unknown

Thank you, sir. I will double check the reference within schedule form. My understanding is that. We can't stop the particular stretch of stay the road unless and until the new street, i.e. the new access road is going to be substituted for that closed off section of stay.

01:13:47:29 - 01:14:07:31

Unknown

The road has been completed to the reasonable satisfaction of the relevant street authority and it is open for use. So those are the particular words that we're relying on to relate to the new access road. But certainly I'll take the points away in terms of how the specific requirement is drafted.

01:14:08:18 - 01:14:31:29

Unknown

The intention was that that only needed to be built base course level for construction purposes. But we we haven't then gone on to deal with its completion within that specific requirement, partially because we didn't feel it was necessary given the other requirement to requirement three and Article 13 that we were happy to continue discussions on that if

01:14:31:29 - 01:14:52:17

Unknown

required. Yeah, no, I think I'm just conscious that it was something that was raised in one of the previous issue specific areas. And again, I just want to have the certainty that the circle's being closed and we will end up with the fully functional adopted road in it at the appropriate time.

01:14:54:22 - 01:15:21:11

Unknown

And again, I'm sure that can easily be covered in the statement of common ground. And, you know. Thank you. And then come on to just check again with other interested parties whether there's any points they would wish to raise on on any of those requirements that we've discussed.

01:15:24:38 - 01:15:45:15

Unknown

Okay. Thank you. And so then move on to requirement 15. And and I'm just obviously this has been revised now on a couple of occasions to try and address the concerns that have been raised about the waste hierarchy.

01:15:46:06 - 01:16:11:07

Unknown

And I'm just wanting to make sure that it's complimentary to the description of development in Schedule one and that the controls that would be likely to be in place through any environmental permit that may be issued. So again, I'm going to come to the Environment Agency to just seek their view in the first instance and then North

01:16:11:07 - 01:16:27:39

Unknown

Lincolnshire Council and then come back to the applicant. So the Environment Agency, please. And it's good for the environment, as you say. I'm sorry, sir, but this is one of the questions that I'm afraid I'm going to have to get some more expert advice on.

01:16:27:39 - 01:16:48:24

Unknown

It's not one that I'm able to answer myself. Okay. Is that something you be able to provide in writing for the next deadline? Yes, I'll certainly try to. Thank you very much. Then come to North Lincolnshire Council to see whether you have any observations or concerns on this topic.

01:16:51:49 - 01:17:12:13

Unknown

Yeah. Thank you, sir. And your love. And I think it counts. I think our our only concern with regard to requirement 15 was. You know, it seemed to really be imposing controls on the producers of waste rather than the applicants themselves and how, you know, we would actually go about enforcing that.

01:17:14:02 - 01:17:34:35

Unknown

It would seem to be that that would be through the contracts process in terms of the the contracts awarded to the waste producers. And then, you know, I think as as I made reference to in a previous. Providing documentation with regard to the amount of cycle material within the RDF.

01:17:36:07 - 01:17:51:38

Unknown

Kind of fine with regards to monitoring what's going on, but when is there actually a breach? What is the threat level that is unacceptable? If we are sort of getting those records of monitoring waveform that now comes in, I know it's not proposed.

01:17:51:38 - 01:18:11:48

Unknown

Been on your monitoring report anymore. So. I suppose in summary, we don't have a massive problem with the requirement, but what we wouldn't like to see is from our point of view, we're monitoring something for monitoring site. There should be a reason to do it and a and a point where we we would need to enforce if

01:18:11:48 - 01:18:40:26

Unknown

there's a breach. And it would. We just don't see how that works at the moment. As opposed to. I can come to you and Mr. Brooke Claybrook on behalf of the applicant. Firstly, just to acknowledge that you have raised further questions specifically on Requirement 15 as part of your second round of questions, and some of which are

01:18:40:26 - 01:19:11:16

Unknown

directed at the Environment Agency, ourselves and NLC. So we are working our way through those responses. Also, you will have had the opportunity to see our response to the UK when information where we have also then set out and dealt with our understanding of Regulation 12 in particular of the waste management regulations and also acknowledging the rationale

01:19:11:28 - 01:19:37:20

Unknown

and the purpose of requirement 15 and what it is capable of achieving, if I can put it that way, sir. In terms of the permit, I think I mentioned in the last oral hearing that we had on on waste need that standard condition on the permit will stipulate how any waste generated within the.

01:19:39:08 - 01:20:05:43

Unknown

Activities carried out at the F and the other facilities. How that generated waste is dealt with pursuant to the waste hierarchy. But as as Mr. Laws rightly points out, this is about seeking to add an extra layer of control that is complementary to the obligations on those parties further down the chain of the waste hierarchy, up or

01:20:05:43 - 01:20:26:28

Unknown

down in terms of how suppliers maximize the amount of recycling that they are able to carry out. So we, you know, we acknowledge that the climate 15 can only go so far and whether or not that is considered to be necessary or supportive or complimentary of other controls.

01:20:27:34 - 01:20:55:04

Unknown

You know, we appreciate that is for yourselves to determine, but we will provide full responses to those further questions as well. Thank you, ma'am. And I'm just conscious that obviously you brought the requirement in. And I think following issue specific hearing one or two at the outset and it's come from a previous national infrastructure scheme and in

01:20:55:05 - 01:21:25:31

Unknown

that case, the examiner and the Secretary State agreed that as written, it provided the confidence that the waste hierarchy would be met. And so, yes, it's a bit of a conundrum, I think, for us at the moment. But yes, if you're able to look at the questions we've prepared and provide clear responses and whether that leads to

01:21:25:31 - 01:21:48:49

Unknown

any further revisions to requirement 15, we will wait and see. But I look forward to seeing your answers. Okay. Thank you, sir. Okay. And then the requirement 17 really this is just to help us understand what is actually would achieve in practice.

01:21:49:27 - 01:22:11:23

Unknown

This is to do with the combined heat and power connections. And again, there's reference to an environmental permit, which is whether the Environment Agency can assist. I don't know. But if in the first instance, you can explain to us what that requirement achieves.

01:22:12:05 - 01:22:33:45

Unknown

And because one of the things I'm mindful of is that this project has a whole series of component parts which, if all delivered, potentially have some quite positive benefits. But it's about what does this actually require you to do?

01:22:34:30 - 01:23:01:49

Unknown

And, you know, so in practice, what does it actually mean? CLAYBROOK On behalf of the applicant. I will start by referencing the specific wording of the requirement itself. We also have Callum Baeza and who can explain any further technical queries that you may have with with reference to how this will work in practice and what we are

01:23:01:49 - 01:23:34:42

Unknown

committing to in technical terms. So in terms of requirement 17 as drafted and in essence, what we are proposing here is the distinction between a requirement to be CHP ready as stipulated in the national policy statement. And what this requirement secures is that we are CHP enabled, which isn't a policy requirement from the outset, but that is

01:23:34:42 - 01:23:59:36

Unknown

a commitment that we are offering as part of this particular DCO and the drafting of requirement 17 secures that. Because it provides that no part of the energy part works can be commissioned until we've put forward a scheme for the detail of the steam or hot water pass out that form the integral CHP.

01:24:00:11 - 01:24:30:25

Unknown

Part of the development within the ERF works and sells. Those works must be completed and implemented before we can operate the energy recovery facility. So that is the essence of what Requirement 17 is there to secure so that it will be a CHP enabled facility prior to operation, rather than simply a CHP ready facility where you wouldn't

01:24:30:25 - 01:25:03:24

Unknown

have had the commitment to build in those steam or hot water pass outs as part of your construction of the aircraft. So when you're talking about the hot water or steam pass outs, is that something that's coming from the reef building or is that including your pipe work all the way through either the northern or southern routes

01:25:03:24 - 01:25:27:39

Unknown

, depending on which ultimately is achieved? So again, just trying to understand exactly what it means. I will pass to Mr. Besa shortly, but in essence, it's it's the works required in the construction of the earth and not the full extent of the pipe works associated with the development.

01:25:28:05 - 01:25:51:09

Unknown

So for we have committed as part of the construction of the access road. The new access road to the south of the city that during the construction of that, it makes sense for us to incorporate the necessary pipework for the district heating network within that access road when we construct that so that we don't need to go

01:25:51:10 - 01:26:09:36

Unknown

back and dig up the road and then put the relevant pipes within that structure. But I don't know if Mr. Visa has anything to add in terms of clarifying the precise works on site itself. Oh, yeah. Thanks. Hi, everyone.

01:26:09:48 - 01:26:31:02

Unknown

And on behalf of the applicant and said that the text is referring to having a scheme approved and implemented for eight or hot water or steam passouts so that the works involved on the site would be that the turbine steam extraction, the heat exchanges back up its infrastructure at the time such that it wasn't available from a

01:26:31:02 - 01:26:55:30

Unknown

turbine and then transmission distribution network to the end user. So that specific scheme doesn't necessarily commit to the full extent of the district heating scheme in either option A or B, it's my understanding. Yeah. Yeah. Yeah, I understand.

01:26:55:34 - 01:27:33:24

Unknown

And you're constructing the the ability to do it and, and providing the pipework along the road. And at this stage, that's as far as you're committing, is that correct? Yes. And so the next element really is to understand if there's been any progress with neighboring operators, owners about the possible use of these connections, or is that something

01:27:33:24 - 01:27:55:28

Unknown

that's for the future? Claire Brook on behalf of the applicant, you will recall that as part of the application we have submitted a CHP combined heat and power assessment. I would look to my colleague to give me the reference for that so I can remind you of that.

01:27:55:28 - 01:28:15:37

Unknown

Says that does incorporate a detailed heat map and end user research piece and we can contemplate whether or not there is any further update that it would be useful to provide to yourselves in terms of any ongoing discussions around.

01:28:15:37 - 01:28:46:24

Unknown

And he uses. It'd be helpful because what I'm trying to get clear in my mind is how much weight we might attribute to the benefit of the delivery of this. And as you say, there is the policy asks you to go so far and you're indicating you're going beyond that.

01:28:47:12 - 01:29:09:20

Unknown

But then it's a question of what happens next. Almost, you know, is there a genuine opportunity to use this this realistic or is it. And, you know, you know, how much certainty is there, I suppose.

01:29:09:34 - 01:29:34:35

Unknown

And. Claybrook on behalf of the applicant, the reference for the CHP assessment is apt zero 38 And we will certainly take an action, a way to look at that document again and confirm any specific updates for you in terms of the the potential for those end users.

01:29:35:46 - 01:29:52:41

Unknown

In essence, this is difficult at this stage and would be unusual at this stage to have secured and specific an end use as I appreciate your not asking for that and but understand the position in terms of the amount of weight that you can potentially give to those scenarios.

01:29:53:04 - 01:30:05:18

Unknown

So we can take that away. I don't know if Mr. Visa has got anything further to add. I suspect not. But I don't want to avoid in the opportunity calumnies on behalf of the applicant. Nothing further from there on this.

01:30:06:38 - 01:30:24:32

Unknown

Okay. Thank you very much. That would be helpful. And can I just clarify in terms of the commitment to the delivery along the access road? Is that set out somewhere? Which which document should I be referring to or is it within the DCO itself?

01:30:25:14 - 01:30:43:28

Unknown

I'm Claire Brook. On behalf of the applicant. I suspected you would come back on that point. I will need to double check how that is specifically secured. I know that it is assumed, but I will double check and confirm how we believe that is secured through the DCO.

01:30:44:36 - 01:31:15:13

Unknown

One further point, appreciating that the Environment Agency are also here. My understanding of any permit that is granted that that will also include fairly typical conditions to deal with a requirement for the permit holder to review opportunities and on a continual basis for and heat uses and to provide those regular updates to the Environment Agency as part

01:31:15:13 - 01:31:40:31

Unknown

of the permit process to ensure that any permit that is granted for the facility will ensure that the maximized efficiency of the plant is secured. So that is likely to be a permit condition as well. Thank you. So can I just come to the Environment Agency then, and just see if there's any observations or points that you

01:31:40:32 - 01:32:07:33

Unknown

can help with? On the role of the Environment Agency in the Combined Heat and power pipework system. And it hits home for the Environment Agency. I'm afraid I can't add anything further than what Mr. Brooks already said in terms of it being a requirement to continually review to make sure they are maximizing efficiency through the permit.

01:32:09:05 - 01:32:31:19

Unknown

And is that a permit for the ERF or is it a separate permit for the combined heat and power and. I think it is likely to be one overarching point that covers every activity on the site. But until we actually receive it through its application, we can't confirm that.

01:32:32:45 - 01:33:12:18

Unknown

Okay. Thank you. I think it would be helpful in terms of clarifying for us. You've got a separate document on consents and licenses that you're going to require. If within the section on environmental permits that's clarified as to which elements are going to be needed or whether it's going to be one permit combining several pieces or several

01:33:12:18 - 01:33:39:30

Unknown

permits. Claybrook on behalf of the applicant. Yes. So we can make sure that in an updated version of that document, we clarify. And to the extent that we're able to at this stage, how many separate permits that may need to be or to what extent they're encapsulated in a single permit.

01:33:39:41 - 01:34:04:39

Unknown

Thank you. One further updates from the applicant in terms of the ability to secure and and develop out the district heating network. We are have been in regular conversations around looking for further opportunities and we will be making an application to the Green Heat Green Heat Network Fund.

01:34:06:14 - 01:34:31:34

Unknown

Which is the base government funding that is potentially available to developers of heat networks and supporting those developments. I believe that the next time within which we can make such an application is in May this year. So if we are able to provide any update, I suspect more likely to the Secretary of state, we will do in

01:34:31:35 - 01:34:49:12

Unknown

due course because we'll be getting near the end, don't we? Yeah, but if you can keep us updated as far as you can, then potentially it's something that we can just flag to. The secretary of state is part of the the broader equation.

01:34:57:16 - 01:35:32:18

Unknown

Okay. Then if I come on to Requirement 19 and you'll recall that we asked in first written questions at 7.1.63 whether the wording was correct in saying that the carbon capture plant would collect capture 54,387 tonnes of CO₂ and 8.37%.

01:35:33:22 - 01:36:00:33

Unknown

And I'm still not 100% clear what that means because the 8.37% of the waste throughput and in the answer you gave to us, it was and the waste throughput is not the CO₂ coming out, it's the actual waste going in to be burnt.

01:36:00:43 - 01:36:26:15

Unknown

As I understand the answer. And so what time is 8.3%, 7% of the weight of the waste, or is it a CO₂ measure? This is the bit I've really struggling to get my head around. And I may I may be being very dim, but I was just trying to think if I was the council or the environment

01:36:26:15 - 01:36:51:14

Unknown

agency and monitoring this output, what would be the figure that I would be actually saying is the minimum? Because I don't quite understand what 8.37% of the waste throughput is. And if I was to do 8.37% of 760,000 tonnes, which is your maximum waste.

01:36:52:27 - 01:37:08:10

Unknown

Am I right in saying that that equates to 63,612 tonnes of CO₂? Or am I doing a rather peculiar equation that is taking me entirely in the wrong direction? So I need your help to understand how it works.

01:37:08:11 - 01:37:27:41

Unknown

Please, Claybrook, on behalf of the applicant, I will defer very quickly to Mr. Fazer. My understanding is that the 8.3% is of the quantum of the 760,000 tonnes. But I will let Mr. Feser correct us all in that regard.

01:37:28:12 - 01:37:43:08

Unknown

And in terms of the drafting and the reference to and in between the tonnage and the percentage, it's it's the it's the lesser of either of those. So you could arguably say that it should be or rather than.

01:37:43:09 - 01:38:01:36

Unknown

And if that's all that was, that was that was my original thinking. But you came back and you were quite content that it was correct and who am I to question that? So but it was to really to understand what it was, what was the calculation.

01:38:01:37 - 01:38:18:24

Unknown

So and yes, Mr. Baeza, hopefully you can explain that for us and I'll come and visit on behalf of the applicant. You're correct in your appraisal that that figure should have some some wording is missing. That's 8.37% of the weight.

01:38:19:23 - 01:38:43:14

Unknown

So the the assumption taken here is that typically a tonne of RDF when combustible produce roughly a tonne of carbon dioxide. So it's to ensure that there's an operational envelope that scales with the plant really. So the the lesser of 14 is to allow for periods of lesser availability to consider in particular a major outage in one

01:38:43:14 - 01:39:08:09

Unknown

year to make sure the carbon capture plan and. Sorry that the quantum was capped treble with the design about having to operate above its design point, if that makes sense. I take your point about the the higher end of the 760 actually and that the 54 might need to be revised upwards to allow for the.

01:39:13:17 - 01:39:41:49

Unknown

I make sense? Well, possibly. I'm not certain. And I think I think my confusion. I'm pleased to say that I was right to be confused. And if you can go away to clarify exactly what it means so that, again, it's clear to all of us what your carbon capture plant is going to do.

01:39:42:19 - 01:40:05:22

Unknown

And ultimately, if someone is going to be monitoring this requirement in due course, they can be confident that you are meeting the thresholds that you're saying you can meet. And so and if you can just look at that wording again, just so that it is clear to everybody what it what it means.

01:40:06:03 - 01:40:23:10

Unknown

And I do understand there's a range and you'd be looking to achieve the minimum. I think that bit's clear. But it was trying to understand what the 8.37% was. And so, yes, I think hopefully everyone understands where I'm coming from.

01:40:24:40 - 01:40:42:00

Unknown

Yes, sir. Claybrook, on behalf of the applicant? Absolutely. I think on the basis that if we have the maximum three per VLF, that that could equate to a higher level. The commitment is of the lesser of those two figures, so it would be the 54.

01:40:42:43 - 01:41:05:41

Unknown

But I will consult with Mr. Peters following the hearing to establish what commitment we are offering and that that matches what we have assumed in our greenhouse gas emissions assessment as well. Thank you. Okay. Any questions or observations from anybody on those last few requirements?

01:41:06:08 - 01:41:23:41

Unknown

Just check online. There's no one there with a handle. Okay, well, I think it's quarter to one, so it's probably a good time to have a break for lunch. And I'll just look around the room. Is an hour sufficient for everybody?

01:41:24:48 - 01:41:43:25

Unknown

Yeah. So if we can resume at quarter to two and again, I'll remind those who are watching on the livestream if you can refresh your browser page when you return. So thank you very much. In the meantime to everyone and we'll resume according to thank you.