

00:00:04:32 - 00:00:19:44

Unknown

Good afternoon, everybody. It's now Court two and it's time to resume this issue specific hearing. And can I just check that the connection to teams and the livestream is is working and everyone can see and hear me. Yes.

00:00:19:44 - 00:00:43:12

Unknown

Thank you. And right then we move on to. Sorry. Before we just go on to the next item, which is item four. I was just thinking over the lunch break with regard to requirement 19. And I wonder if the simplest way, bearing in mind that and.

00:00:45:45 - 00:01:05:01

Unknown

What we're. I think what you're trying to achieve is a minimum CO2, whether it's. You might be simpler to have one figure rather than two. Now, I don't know. I don't want to make it more complicated. I was just thinking whether that might simplify things equally.

00:01:05:01 - 00:01:37:24

Unknown

It might get in the way of what the US and your greenhouse gas calculations have done, but I just sort of throw that out there as a thought at the moment rather than anything else. Okay. So the next item was item four on article three.

00:01:37:49 - 00:01:55:21

Unknown

Article 43. Beg your pardon? I am as now numbered in the draft of our consent order in about operational land. And again, something we touched on the previous issue specific hearing and I believe there have been some conversations ongoing between the council and the applicant.

00:01:55:22 - 00:02:12:18

Unknown

So if I can come to both parties to understand what the respective position is, who's best to kick off? Should I come to the council first? Then and then you can let me know with where things are. Yeah.

00:02:12:18 - 00:02:36:20

Unknown

Thank you, Sir Angelo. For North Northleach Council. Yeah, we have been having discussions regarding Article 43. We were sent, so. Suggested wording by the applicant to try and tighten the definition of operational land. We've considered that and very recently gone back with our suggested position, which is to try and tighten even further.

00:02:36:20 - 00:02:52:32

Unknown

So it's not been fully resolved yet. But we are in we are in dialog at the moment. I'm sure that we can. Finalize those discussions shortly and am probably a good idea to have it within the statement of Common Ground.

00:02:54:15 - 00:03:20:03

Unknown

Submitted yourself. Yeah. I mean, I think. Well, I'll hear what Mr. Brooks says. Before I say anything. Thank you. Claire Brook for the applicants. And yes, we have looked at limiting the extent to which land within the order limits would qualify and be treated as operational land.

00:03:20:42 - 00:03:42:38

Unknown

And in particular, in the initial discussions with with NLC, we were looking at excluding the very least work number 12 and work number 12 day from any definition of operational land. And those works relating to landscape mitigation works by no belt development is to take place.

00:03:42:39 - 00:04:07:31

Unknown

So understanding that there is a requirement for the extent of operational land to cover those areas. As I understand it, we've had further discussions with NLC and ideally they would like the exclusion list to extend to include also work number 13 through to 15.

00:04:08:46 - 00:04:29:11

Unknown

So that's one of the 13 is the flood defenses and drainage systems. 14 relates to the cables for the utilities. And then 15 A and B relate to the construction compounds on the basis that they are temporary development.

00:04:31:17 - 00:04:52:15

Unknown

I'm reasonably confident that we will be able to reach agreement in terms of an appropriate list to extend, sorry to exclude from the definition of operational land beyond just works 12 and 12 a. The one point I wanted to look into in particular was with respect to work number 14, the cable diversions.

00:04:53:18 - 00:05:14:31

Unknown

In the sense that permitted development rights attribute to the definition of those areas as operational land, and that's by virtue of as becoming effectively the applicant, becoming a statutory undertaker and in light of them receiving an electricity generating license.

00:05:15:14 - 00:05:39:49

Unknown

So I've been reviewing the permitted development rights relevant to such a statutory undertaker and just subject to resolving that. We'll have a further discussion with NLC and then offer up hopefully an agreed position in terms of how we will limit the remit of that article further and provide that at the next deadline.

00:05:42:31 - 00:06:05:15

Unknown

Okay. That's helpful. I wonder if I may ask the audiovisual team to display a plan that we've previously displayed and just apologize whilst I get the reference correctly. It's a009 sheet eight, which is sort of showing parts of the work plans.

00:06:07:00 - 00:06:40:27

Unknown

Thank you. And obviously, this isn't showing all of the work numbers, but the main site to the south of the industrial estate. And from what you've said so far, and that wouldn't appear to have been any dialog about, for example, excluding the land to the north east of the industrial estate, which is the and above ground gas

00:06:40:28 - 00:07:10:42

Unknown

installation and potential connections to other infrastructure there. So is your current dialog potentially including that within your requirement within the operational land? Claybrook on behalf of the applicant. I think sir, if you're referring to the the Pentland work number seven, is that correct.

00:07:11:10 - 00:07:39:34

Unknown

Lund You're referring to. Which has described the hydrogen electrolyzer, the associated infrastructure for the to inject hydrogen into the gas grid. Yes, many things work. Apologies, work number seven and work number two at the moment. I think there's no sorry.

00:07:39:35 - 00:08:00:00

Unknown

It's not it's work number seven, which is the pink and also that is including work number one as well, isn't it? There's an overlap. That area to the right where the pink overlaps. The blue is parts of work, number one, according to the key and work number seven.

00:08:00:36 - 00:08:32:11

Unknown

Yes, that's my understanding. So and so as it stands. That potentially remains within the operational land, as does all of work, number one. But then the green hatched area work one. See the visitors center. Why wouldn't why wouldn't that be excluded?

00:08:40:42 - 00:09:07:32

Unknown

Claybrook on behalf of the applicant. And you're correct that that isn't currently proposed to be excluded from the definition of operational land by by the applicant work number one C as described in schedule one of the authorized development incorporates the visitor center as well as offices associated with that and also a section of the elevated walkway.

00:09:09:14 - 00:09:34:35

Unknown

In terms of the applicant's position and the extent to which they can rely on it being operational land, our our position would be that they are integral elements of the energy park and the associated works and ought to attribute the benefit of being operational land subject to certain permitted development rights, which are awfully constrained to some degree

00:09:34:35 - 00:09:54:07

Unknown

. And I think we've set out our position in terms of the extent to which those permitted development rights can extend without the need for any further permission. Oh. Anything that would require any and is all likely to be lead to significant effects would be excluded from permitted development rights.

00:09:57:36 - 00:10:34:19

Unknown

Yeah. And does the same argument apply to the plastic recycling facility, which is the orange hatched area and it's work number? Six, isn't it? Yes. The same principle applies. And where I'm sort of trying to come from here is if the DCO had just been for your energy recycling facility, which is what triggers the need for the

00:10:34:20 - 00:11:05:24

Unknown

DCO in itself, the area of operational and potentially would have been that very constrained area in the blue hatched works number one and. The rest of the associated developments. I'm struggling to understand why they should why you should gain permitted development rights for all of those other elements.

00:11:06:20 - 00:11:26:01

Unknown

And I can understand why you would reasonably need them for the power generation and potentially the connections for the cables and gas routes and so on. But for a plastics recycling facility, a railway line, and I'm struggling to understand the justification.

00:11:27:14 - 00:11:54:10

Unknown

And and so it would be helpful to understand the reasoning and justification that you think that that's appropriate. I think I would also want to ensure that those areas of land that they're not shown on this plan, but they're outside of work number.

00:11:54:42 - 00:12:15:19

Unknown

So we have things like the land to the east of the access road, which is included within the DCO to facilitate potential flood storage in the event of a flood. But it's going to remain as agricultural land. So that seems to be on the face of it, should be excluded from the operational land definition.

00:12:16:20 - 00:12:38:15

Unknown

You've mentioned the landscaping and other elements which are to the south west of this draw, the south of this drawing, below the visitor center. And again, seems to me the reasonable expectation is that that would be excluded too.

00:12:39:21 - 00:13:09:16

Unknown

But if you've got a strong argument to tell, to say why that wouldn't be the case, then I'd like to hear it because ultimately I think what we'll need to have if this position not agreed between the parties is your respective plan, ideally showing the area that you'd include so that it's clear the options that we're considering

00:13:10:11 - 00:13:38:04

Unknown

. And but also I think, again, in terms of us setting out to state what our view is and. I suspect that we may have to draw our own. Ultimately, if we're not presenting an agreement, but we do

need to hear clarity on the various component parts as to why they should remain within operational land.

00:13:41:01 - 00:13:57:04

Unknown

Clare Brook, on behalf of the applicant, very happy to provide further reason. Justification is, as you describe it by reference to each of the works and the extent to which we feel it is appropriate that they are incorporated in the operational land definition.

00:13:57:22 - 00:14:15:23

Unknown

And certainly at the moment in the discussions that we've had with with NLC, we've looked at it on an exclusive basis and we've excluded certain works. But we will look at it on an inclusive basis and provide our rationale for that and revisit it accordingly as well.

00:14:16:16 - 00:14:36:30

Unknown

Thank you. So I just come to other parties to see if there's anything they would wish to raise. Could you put the team's image back on for me just in case anyone is externally wanting to raise anything? No.

00:14:36:42 - 00:15:13:02

Unknown

Okay. Thank you. Yes. Sorry, I should have clarified. And with regard to the same article and the consequential effects. I just wonder whether. Having permitted development rights on land which may be functionally linked to land, the Humber Estuary, EPA and Ramsar.

00:15:13:35 - 00:15:41:40

Unknown

Whether the IRS has considered the consequences of that and the potential implications for those areas where there's a functional link. So in looking at your consideration of that, could you clarify that position for us, please? Sir. Yes, sir.

00:15:41:40 - 00:16:13:35

Unknown

And I can perhaps have something at this at this point with respect to that second element, in terms of the functionally linked lands relevant to the history, the area to the west of the access road that is to be developed for the wetland area that is adjacent to the river and in proximate location to the EPA and

00:16:14:05 - 00:16:31:45

Unknown

is currently used by Mallard and as a consequence may also become functionally linked land. Our plan is to exclude that as part of work 12 and 12 way from the definition of operational land. But we will cover that specifically in the note as well.

00:16:34:16 - 00:17:08:41

Unknown

Thank you very much. So we move on to Article 44, which is the defense to proceedings in respect to statutory nuisance. Obviously, this has been refined since we initially discussed the

draft DCO. And I just wanted to clarify, particularly with the council, that the content now as drafted or whether there are any remaining concerns from your perspective

00:17:12:18 - 00:17:36:48

Unknown

. Thank you, sir. Andrew Law for North East Council. Article 44 has been reviewed by our Environmental Protection team and confirmed that they're happy with the current drafting of article and no further concerns raised. Okay. Thank you. So move on then to Article 45, which is documents and plans to be certified.

00:17:37:27 - 00:18:01:28

Unknown

And we touched briefly on this before and the importance of the application guide. The current revision is number five, which is, I think, ripe for revision five and it's rep for 002. Now I'm sorry, sorry. A Revision six only which is Rep 5003.

00:18:02:15 - 00:18:34:40

Unknown

Sorry. And we mentioned the indicative railway drawing and that's going to be resolved. But there is also within that guide a, I think another issue with regard to the outline landscape and biodiversity management and monitoring plan. And the guide is, I think, still referring to 40 zero 41, which was the original submission, but it has been revised

00:18:34:40 - 00:19:08:28

Unknown

at deadline two, which was an. So I think the date which currently is in the guide is not correct. So again, I am if that can be looked at and just. Just checked, please. And. So really beyond that, I just wanted to seek people's views as to whether the as far as we understand it now, we have

00:19:08:28 - 00:19:30:12

Unknown

a complete list of the documents and an agreed list of documents of what should be certified. So if I ask the council in the first instance what their position is on that, thank you. Yeah. Thank you, sir. Angelo, for all things council and.

00:19:31:22 - 00:19:58:13

Unknown

You know, no comment to make whether the list this is correct. And there's not other documents you'd wish to be included. Thank you, sir. Andrew Lo, Northern Wisconsin. I think we would. In our previous comments have discussed the design and access statement, for example, the clarification received from the applicant.

00:19:58:45 - 00:20:17:28

Unknown

And we're happy that that doesn't need to to be included in this. From our position, there's no other documents that we want to see in that list. Okay. Thank you. So just as the council got anything for the council policies, the avant garde applicant got anything they would wish to do.

00:20:17:29 - 00:20:42:05

Unknown

And that's clever for the applicant. Thank you, sir. And we'll double check that reference in the application guide, as you say. And we do believe that this is a current final list. I guess the only point that we may want to pick up on is if we do get to an agreed archeological mitigation strategy document.

00:20:43:02 - 00:20:58:28

Unknown

Then perhaps to just note by the final deadline that could be added if we do end up amending requirement 11. So perhaps just for us to collectively keep a note of that. If it does end up being approved prior to.

00:21:02:47 - 00:21:33:00

Unknown

Thank you. Thank you, sir. So that then, I think takes us on to item seven, which is the Schedule 14 and protective provisions. And obviously we do have issues on the compulsory acquisition hearing on this. So I'm not seeking the specific legal tests under Section 127 and 138 today.

00:21:33:02 - 00:21:56:10

Unknown

Hopefully we can deal with those tomorrow. But just to get an understanding from you as to where you are with the respective undertakers. So if you can give us an update, that would be helpful. Thank you. Francis effort on behalf of the applicant.

00:21:56:43 - 00:22:16:00

Unknown

So I'll be referring to the status of negotiations with the statutory undertakers, which was submitted at deadline five, albeit we've got some updates since then. That document references 5-028. And also just to flag as well, you know, we've had a number of written questions from you on these points as well.

00:22:16:01 - 00:22:28:11

Unknown

So we'll be responding to those in due course. So if you're happy for me to do so, I'll just run through each of the statutory undertakings that we've identified and just give you the update, if that's okay. That's great.

00:22:28:11 - 00:22:44:43

Unknown

Thank you. Thanks. So Openreach, they confirmed by email on the 28th November that protective provisions that are already contained in the Schedule 14 of the draft DCO are acceptable and they don't need any specific purpose and they're contained in the DC.

00:22:44:48 - 00:23:09:19

Unknown

So the reference is RCP 5006. And then Associated Press reports, they confirmed by email on the 13th of January this year that protective provisions would not be required. Scunthorpe and Gainsborough Water Management Board. So they have also confirmed by email on the 13th February this year that protective provisions would not be required.

00:23:10:27 - 00:23:28:31

Unknown

This follows confirmation by the applicants that the internal drainage board would be added to the list of approvals under Article 47 of the DCO, as well as the Water Management Board, specifically being named as Consultees in relation to requirement eight of the DCO, which deals with the surface water drainage.

00:23:30:37 - 00:24:03:31

Unknown

So. Anglian Water. We agreed. We've agreed with them now, so they will be included in the next updates. Draft DCO that we submit. Network Rail, Northern Powergrid and Cadent Gas. We've agreed all provisions in relation to the peace with all three parties safer one point outstanding with all three, which is a commercial point, and we're still negotiating

00:24:03:31 - 00:24:31:09

Unknown

on that. We hope to have that agreed by deadline eight. And it's not the same with all three parties. Yes. Yeah. Okay. So it was network rail, cadent gas and Northern Power Grid. Well. Then the final part, the sorry, second announcement by Severn Trent Water Ltd.

00:24:31:09 - 00:24:47:41

Unknown

We've, we've been in discussions with them and have been asking for either confirmation of whether they're happy with the generic piece or included in schedule 14 of the DCO or whether they want their own specific piece. We still haven't been able to get any anything out of them.

00:24:48:03 - 00:25:01:45

Unknown

So we're continuing to to discuss with them, but we're struggling to get any feedback, to be honest. Okay. Well, my suggestion then you write them and say, if we don't hear from you, will assume that you are in agreement.

00:25:02:10 - 00:25:23:47

Unknown

If you haven't done so already, and then that helps us if you include that correspondence, because it makes it clear to them what the situation is in terms of the network, network, rail, cadent, gas and Northern Powergrid where you have a an outstanding commercial situation.

00:25:25:36 - 00:25:52:03

Unknown

What's the time frame for your next discussion? Dialog would be hoping to go back to them in the next week or two. So it. Relatively soon. So are we likely to get a conclusion by deadline six, or am I being overly optimistic, potentially optimistic?

00:25:53:00 - 00:26:07:03

Unknown

We're definitely aiming to do it as soon as we can. But yeah, I wouldn't want to commit to any particular date for conclusion when we don't really control what we get back either. I appreciate. I'm just I like things sorted and.

00:26:07:41 - 00:26:37:15

Unknown



Okay. Well, no, that's fine. In terms of the commercial point, is that is that influencing the wording of the provision and. It. Not so much, I think. I don't think the principle of the particular issue we have is is that is an issue.

00:26:37:30 - 00:27:00:05

Unknown

It's more to do with the levels than the detail around it. It's to do with an indemnity. And so it's all surrounds that. So. That's the issue, really. Okay. So it may be that we have to present the two respective positions around that if we're not able to agree.

00:27:00:05 - 00:27:17:00

Unknown

So we'll we'll make sure that network rail and or whichever party will provide their position and our position to you if we're not able to agree. But we'll certainly do our best to try and reach agreement. Yeah. Thank you.

00:27:17:36 - 00:27:37:20

Unknown

And Openreach a BP and the water management board. I have seen the ABP letter and I think on the OPENREACH we've included a request for a copy of that correspondence. In our second written questions will be the same for the Water Management Board.

00:27:37:38 - 00:27:53:10

Unknown

If you've got that correspondence confirming the position again, it would be helpful to have that submitted to us so we can shut that issue down. Yes. Front seven On behalf of the applicant, yes, I've seen the questions and we'll be submitting our responses for those confirmations.

00:27:54:16 - 00:28:12:14

Unknown

Thank you. I'm sorry, Francis wrote on behalf of the applicant, there's one last party, Sir, and National Highways Ltd. So they have agreed to the principle. They've agreed that peas aren't required. And I think that's another question that's been asked as well to have confirmation of that submitted.

00:28:12:15 - 00:28:28:03

Unknown

So we'll do that. And at the moment we're just in the process of negotiating a side agreement with them to deal with that protection of the land interests. Really. Again. That's something we hope to get completed by deadline eight at the latest.

00:28:28:14 - 00:28:45:44

Unknown

Yeah. I mean, you'll have seen again, it's part of the written questions in terms of the side agreements referred to the National Highways and Network Rail and whether that's something that we need to see on know about as part of the examination.

00:28:46:20 - 00:29:15:15

Unknown

But I'll leave that with you for the written questions, and I think it's probably easier dealt with that way. And I'll just open it to the floor. Anyone else got any issues or concerns with regard to the

protective provisions that the DCO is currently seeking to resolve with the statutory undertakers?

00:29:17:08 - 00:29:49:08

Unknown

No. Okay. No, thank you. So next item on the agenda is number eight, the methods of mitigation and how they are secured. And just appreciate an overview from the applicant as to the hierarchy of the documentation and where that sets out within the various documents.

00:29:49:37 - 00:30:28:02

Unknown

Just to make sure that the various elements of mitigation for the development are delivered in secured and the subsequent approval process, and that follows on from any subsequent submissions. So over to you. Claire Brook for the applicant in terms of relevant documentation, Appendix C of the explanatory memorandum did give the reference for that earlier, the latest version

00:30:28:31 - 00:30:58:08

Unknown

. It was in the original version, but the latest version of the explanatory memorandum. I have got it written down. Rep 5007 So Appendix C of that document does include the flowchart for the hierarchy of the various plans, and that is split out between the relevant plans that are required for the construction phase and then a separate page

00:30:58:14 - 00:31:23:09

Unknown

dealing with the operational phase. In addition to that, we also have Chapter 19, the the mitigation chapter of the EAS, which encapsulates in Table one the full list of all assumed mitigation and in each of the relevant chapters of the environmental statement.

00:31:24:10 - 00:31:59:01

Unknown

And in particular, table two of that chapter stipulates the securing mechanism. So which requirement it relates to, but also who is required to approve each of those particular plans. And so in terms of the key documents that now those documents, what we have also done there is actually prepare a note to set out the rationale for our

00:31:59:02 - 00:32:23:30

Unknown

approach to that hierarchy, and we can provide a copy of of that note to you to supplement what we're saying relate today. And I hope that that gives you further background in terms of how we demonstrate the relevant mitigation is secured in our approach to that for each of the phases by making reference, for example, to the

00:32:23:30 - 00:32:42:10

Unknown

rationale around the code of construction practice, how that then leads through to the camp, how we are dealing with what an epic contractor is going to pick up and have to comply with, so that it's very clear how each of the different elements of the mitigation are secured.

00:32:43:18 - 00:33:03:04

Unknown

So, I mean, I'm happy to go into more detail if you do require, but we will happily submit that note as well as the documents that I've just referenced. That's helpful. And he's an APC contractor, was APC. That's effectively the people that will build the plant.

00:33:03:39 - 00:33:24:17

Unknown

APC standing for I don't know how to tell about, but because a contractor that can help doing something, contractor, engineering, procurement and construction. Thank you very much. You're welcome. It's helpful for everybody in the room. We're all naughty when it comes to acronyms, but now that's helpful.

00:33:24:17 - 00:33:57:01

Unknown

Thank you. And so the note that you've been providing that will be for deadline six. Yes, sir. Thank you. And in terms of the Appendix C within the explanatory memorandum. Can you confirm to me that that's been updated as we've gone through the examination to take into account the adjustments that have been reflected as we've gone along

00:33:58:16 - 00:34:20:36

Unknown

? Claire Brook For the applicant, yes, sir. I did discuss this with my colleague. They are PDF documents and hence what we will produce. We have kept a track change of any amendments that have been made to those plans and we will produce a final form, clean version of those documents as well.

00:34:20:36 - 00:34:48:24

Unknown

But yes, we have been keeping track and as the amended version, tracked version, is that is that been submitted already or is that is that to come and next time? I believe that we have within the trapped version shown that the world changes.

00:34:49:39 - 00:35:38:19

Unknown

But I can't immediately say where they are, but will will clarify that. My understanding is that we have captured them in the tracked version of the latest an but I'll I'll double check that, sir. Thank you. And again, I just come to the council and other parties to see if there's any issues of mitigation that you consider

00:35:38:21 - 00:36:00:34

Unknown

outstanding or not secured. Thank you, sir. Andrew Lowe for Netflix Council. There was nothing that I wish to raise at this point. Thank you. Thank you. And again, I'll open that up to the floor whether there's any other interested party who has any concerns, irrespective of this issue.

00:36:04:04 - 00:36:36:37

Unknown

No. Not seeing anyone's or anyone in the room. Okay. Thank you. Then move on to item nine. Consents, licensees and other agreements. And we obviously have the original document which was AP zero 42, which set out the original progress and timescales for completion of consents, licensees and other agreements.

00:36:38:24 - 00:37:06:18

Unknown

Can you just bring us up to speed with where you are now with that document and whether there are updated positions in respect of the relevant licenses and permits that you may require? Yes. Claybrook On behalf of the applicant, we can provide an updated tract version at deadline six that I can run through and highlight one or

00:37:06:18 - 00:37:27:04

Unknown

two changes that have occurred and provide updates. Firstly, just to also touch on the the planning obligation agreement, the Section 111 agreement that we are in discussions with and NLC on. I believe we've had a response back from NLC today.

00:37:28:19 - 00:37:43:19

Unknown

But I'll let Mr. Laws confirm the nature of that. And my understanding is that we're close to agreement on that particular document, which relates to the highway contribution to be made for certain signage works, as I understand it.

00:37:45:06 - 00:38:16:35

Unknown

In terms of the construction sorry, the consents and licenses documentation that, as you rightly say, is AP 42 and just running through some of the changes that we will provide at the next deadline. We've provided further information in terms of point number four, sorry, number five on that list, which relates to any consents required with Severn Trent

00:38:17:08 - 00:38:43:34

Unknown

Anglian, the Internal Drainage Board. So we've provided a further update in terms of the timing of submission of anything that we require from Severn Trent or Anglian Water, which would be prior to the start of construction. And then in relation to any consent applications that we require from the Internal Drainage Board, we've also provided an update in

00:38:43:34 - 00:39:09:24

Unknown

terms of those applications, which would generally have a statutory two month dissemination period. And again, that added information in terms of timings for those applications. Point six, on that document, on the basis that we're not proposing to discharge anything into the ground or the wetland, we will not require the permits that are referred to by point six

00:39:09:24 - 00:39:37:42

Unknown

. So that will be deleted. And then just skipping through. Then 2.28 in terms of facility access agreements. That's the relevant body, that being the office of Rail and Road. The overall understanding is that these are currently being drafted.

00:39:38:42 - 00:40:02:46

Unknown

This is an agreement with fossil cocozza in relation to the truck and B sidings and then also with any train operator wishing to move trains over the rail infrastructure for, for example, anyone

else that wants to use the flex branch in the new ERF rail terminal and those are currently being drafted but would generally be dealt with

00:40:02:46 - 00:40:32:27

Unknown

post consent. And then point 29, which lists out the potential need for a network license from air. And our current instructions are that we will be seeking a license exemption for the section of railway from Vosloo offers area to the wharf because it it's not in British Rail operation.

00:40:34:06 - 00:40:54:20

Unknown

In 1994, that's the test for securing the exemption. My understanding is that we may still need a network license for the section of railway from the wharf itself and to incorporate and include the new and RF railhead. So we've provided that update within the table as well.

00:40:57:17 - 00:41:19:24

Unknown

Sorry. Just sorry to interrupt. So that would be just the section of the wharf. And from where to where? I'm a little confused. So the description I've been given is from flexible wolf south to include the entire RF railhead.

00:41:20:04 - 00:41:42:23

Unknown

But I will seek sort of more precision in terms of the precise area. My assumption being that it's from where the trucks come in to the site and where we are looking to construct the new railhead, that because that is construction of something new, we're not able to rely on an exemption and therefore that that section may

00:41:42:23 - 00:42:09:08

Unknown

require a network license, which would be post consent. But we're just intrigued that it was the end away from. Yeah, likewise. Okay. Thank you. And then finally that there isn't a significant update in terms of the permit application.

00:42:09:41 - 00:42:33:33

Unknown

But just to confirm that WSP, you are dealing with the permit application on behalf of the applicant are dealing with the next phase of works for that permit in terms of reviewing the permit scoping strategy. And then also in terms of getting further information on final plan design details so that they then can commence phase one of

00:42:33:33 - 00:42:54:44

Unknown

that application so that. Work is in progress. Do you have a timeline for when you're anticipating submitting that to the Environment Agency? I don't have instructions in terms of a precise timeframe, but again, if we're able to provide further detail on that, we will do.

00:42:56:02 - 00:43:18:02

Unknown

Thank you. I mean, I'll ask the Environment Agency for their view as to the length of time that an environmental permit is likely to take. I appreciate you won't know certainty, but is there a sort of a broad timeframe where you would expect things to be considered?

00:43:22:26 - 00:43:48:24

Unknown

Annette Hewitson for the Environment Agency, and I believe the original estimate that this site was 8 to 12 months. I think actually Bruce provided that originally and I haven't had any update since. I know this certainly they're very busy are national in center so it wouldn't surprise me if it was 12 month period.

00:43:50:30 - 00:44:17:22

Unknown

And that's from submission. That's correct. Yes. Okay. No, thank you. Is does that tally with the what you're understanding it? Yes or yes, sir? In broad terms it does. In terms of a determination period, what you know, whilst the statutory period is a lot less than that.

00:44:19:23 - 00:45:10:34

Unknown

In terms of an estimate of how soon we would get the permit, that seems fairly prudent to me. Okay. Thank you. What was that, the final one? Yes, sir. Thank you. I think just in terms of this particular topic item, you've mentioned already the agreement that you're working through with the Council on the Highway Contribution and also

00:45:10:35 - 00:45:33:09

Unknown

mentioned the signed agreement with National Highways. I also believe there's potentially a side agreement with Network Rail. Are you able to confirm at this stage whether those agreements are likely to be concluded in advance of the close of the examination?

00:45:38:21 - 00:45:54:03

Unknown

Claybrook on behalf of the applicant, I think we believe at this point there is prospect of getting those other side agreements agreed with the relevant parties prior to the close of the examination. Clearly, to some extent, we were in other party's hands, but we're hopeful.

00:45:55:10 - 00:46:39:47

Unknown

Okay. Thank you. So then just take me on two statements of common ground relative where the DCO issues are have arisen. So obviously the Council, we've discussed a lot of the points that they'd raised and I think we've got agreement that the next iteration of the statement Ground is going to cover any issues linked to the DCO

00:46:40:24 - 00:47:11:17

Unknown

. And so hopefully that's the situation. Are there any other parties? I think the Environment Agency, they had raised some points on the DCO, so just be helpful to understand what that situation is as well. Claybrook on behalf of applicant, certainly we can pick up after this hearing and double check.

00:47:11:17 - 00:47:30:25

Unknown

Firstly, the position with NLC in terms of how we cross-reference the various articles and requirements of the DCI within that statement of Common Ground. We have been keeping track with the Environment Agency as well to the extent that we've reached agreement on a good number of the requirements and articles.

00:47:31:34 - 00:47:49:01

Unknown

It occurred to me as well it may be useful for us to cover off requirement 15 depending on where we get to with the next round of questions with respect to that. So we can aim to cover that off with both NLC and the Environment Agency, depending on the positions reached respectively.

00:47:50:06 - 00:48:12:36

Unknown

Yeah, I think that'll be very helpful. I think as we mentioned before with the council, the same for the Environment Agency and any other interested party that you're preparing statements of common ground with. If there are specific issues within the DCO that there is a difference of view on, we need to have that spelt out.

00:48:12:45 - 00:48:50:38

Unknown

And so we're not misunderstanding something or or missing something. And so we obviously need to be sure that we're properly reflecting people's concerns if their concerns remain. And. So hopefully if everyone understands that, I'll just check anyone else in the room that's listening, whether they've got any points or concerns in respect of of what I've just said

00:48:54:18 - 00:49:12:25

Unknown

. No, that's looking good. Okay. And so really, I think we're now to a point of reviewing issues and actions arising. So you might just want to give us a couple of minutes just to make sure we've got our heads together.

00:49:13:08 - 00:49:43:03

Unknown

So just just give me a moment. We've had our little conference and I'll go through my list basically, and hopefully no surprises. And I will chip in for anything. Yeah. Anyway, I'll go back to them. Well, I think agenda item C, but it too.

00:49:43:14 - 00:50:12:14

Unknown

And there's a few similar ones here that you would provide up to and updated drawings of the footbridges. You would confirm that. Yes. That accounted for the. The sizes are called it dimensions that you would confirm that that I'll call it the land take is sufficient to cater, I think, particularly for the ramps, ramp practices and things

00:50:12:14 - 00:50:43:32

Unknown

like that. He will provide an update on the indicative railway drawings and add a column to the guide. I think this is the cross-referenced exam library so that we can easily, easily locate. Where they are. I think that was the section on the bridges in the motorway in a similar vein, really the visual barrier to confirm the

00:50:43:32 - 00:51:16:06

Unknown

vertical and lateral extent parameters. To also provide in the appropriate plans, documents where they actually are and how many there are their own function, which which could be described in the design principles and codes, for example, because that's obviously going to be a, you know, a certified document on that.

00:51:16:10 - 00:51:38:09

Unknown

Moving on to noise, I think now I think I've covered my right those first bullet points. I think the main thing on noise was that you agree to consider in principle a limit. A noise limit. Where that actually goes is something that I think will still leave you to to to think about, you know, I won't say

00:51:38:09 - 00:52:04:18

Unknown

more and that I think amendment but by deadline six that was also a commitment I think you made on that. Moving on. So I think we also asked for the Environment Agency to explain their situation with regard to what the environmental permit would do with respect to noise and just so we can have whilst appreciate you haven't

00:52:04:18 - 00:52:28:45

Unknown

got the application in front of you clarity of sort of the rules of engagement that the permit governs so that we're not duplicating or standing on each other's toes in that respect and understand the relationship. Thank you. He probably didn't make such good notes when I was talking.

00:52:30:44 - 00:52:56:43

Unknown

I can't multitask. So then I think we move on to the next block. One, one, 2 to 10. The moment you move some section, I think that all seemed to go fine. There was some discussion around the overarching archeology mitigation strategy, and I think where that landed seemed to be that you would do your level best with

00:52:57:04 - 00:53:21:35

Unknown

North Lincolnshire to agree that I. DEADLINE nine. I think I'd put in my my notes so that would form a basis of what came after. My next area was, I think, on number seven on this. And I think I think what I heard was I think you said something like which made eminent sense to me.

00:53:22:26 - 00:53:42:10

Unknown

Replacement access road would be completed to a doctoral standard before the stopping up of State Road. I think he said something like that. I think it was a check and a confirmation that within the DCI that that you could actually draw that conclusion from all the relevant provisions, passages, words in that.

00:53:43:18 - 00:54:19:17

Unknown



And I think we defer that. I'm just going through on this section requirement 17, item nine or Roman numerals nine that you review an update your IP zero 38 CHP assessment I think is that the document and check how the access road installation will be secured in a DCO because I think he did say that.

00:54:23:20 - 00:54:41:41

Unknown

How the hell? To what extent? Sorry, sorry, sorry. I just missed that last. So sorry is to do with the combined heat and power connections and the pipework that you said was going along the access road. Yes. Where that is set out and secured.

00:54:41:46 - 00:55:10:25

Unknown

Thank you. Okay. Also, I think in relationship to the CHP, what other permits is not permits and licenses would be or may be required on that. And I think the next thing I had on this section was, you know, the the clips of the rather tricky were tricky or slightly confusing.

00:55:10:25 - 00:55:35:38

Unknown

How how do you how would you clearly state the carbon capture requirement and all that in a way that we can all understand? Okay. So I'm nothing. Sit this box but the familiar, familiar things anyway. So don't move on to agenda item for operational land.

00:55:35:38 - 00:56:01:42

Unknown

And I think we landed on or you landed on a commitment to provide a further reason, justified explanation for what would be, I'll say, defined as operational land. And and you would also you also do that. And what I think you describe perfectly sensibly as an inclusive basis actually defines what is operational land rather than excludes what

00:56:01:42 - 00:56:27:01

Unknown

isn't. So there's really something really clear on what that actually is. I'm trying to get my next one here, I think then I go through to item six that you would update the application guide or check some dates and references just to make sure that is.

00:56:29:29 - 00:57:01:23

Unknown

Accurate, as accurate as it can be at this stage. But I know I'm on to protective provisions and obviously gave an update on that. And I think he said that I'm not too sure when this will be, but he may need to present to positions for some of the parties, some of the statutory undertakers in terms of

00:57:02:39 - 00:57:27:46

Unknown

those areas where he perhaps we need to be aware there are disagreements or what your version and their version actually looks like in a way that is easy for us to understand. Dr. George. Yeah, I think the only other thing on on that was confirmation of submission of the copies of the letters from Openreach A and the

00:57:27:46 - 00:57:53:15

Unknown

management board where you have agreement that provision protective provisions are not required. And then under agenda item eight and you refer to the Appendix C of the explanatory memorandum. And again, you would just check and make sure that's the that the track version is correct.

00:57:53:15 - 00:58:08:08

Unknown

I think that was that seemed to be the essence of what came out of that. So I missed something. Do you want to I think also you confirmed you'd do a note to explain the rationale behind the and how the documents sit together.

00:58:11:09 - 00:58:35:34

Unknown

Thanks. Thanks, Evan. March nine consents licenses agreements will provide an updated track version of that by day six and then explain some of the detail changes. But that's the summary of what. Watson what you said you do. And then last but not least.

00:58:36:04 - 00:59:03:35

Unknown

And we actually understand the Vice nine under 99 was to a general point and a commitment that the statements of common ground will cover any off court it DC linked issues. So so we can see how as a linkage through to the 15th the draft DCI and that included for example the comment 15 and I actually missed

00:59:04:02 - 00:59:23:34

Unknown

something actually because the the EIA said they would do something back. So way back in the serious and I think back on when we were talking about requirement 15, you said you we did ask a question. I think you said you could you would you would you would take that back to a colleague and get back to

00:59:23:34 - 01:00:02:27

Unknown

us by deadline six, is that correct? I meant here. It's in for the Environment Agency. Yes, that's correct. That was in respect of the Waste Hierarchy scheme. Thank you. Thank you. I think that's me. Done. So really I think that takes some to any other business.

01:00:02:28 - 01:00:32:01

Unknown

So just see if anyone else in the room has any other business that they would wish to raise. No. And nobody virtually. Just check with the applicant if you're also in the same position. Apologies. So we were just double crossing our references on the actions, double checking our cross references on the actions for Freudian slip, not double

01:00:32:01 - 01:00:48:24

Unknown

crossing. I'd hate to do that, especially during an examination. Sorry. So in terms of any other business, I don't believe we have any. And I think that was a comprehensive list of of actions we were just checking, so.

01:00:48:49 - 01:01:14:18

Unknown

Thank you, sir. Yes. Thank you very much. And. The only other thing I've got under any other business and it's a silly thing really in the DCO itself, on page 37, there's a comma missing between siting and design, so I'll just throw that in there now.

01:01:16:47 - 01:01:41:06

Unknown

But I'm sure it would have got noticed at some point anyway. And other than that, unless anyone else has anything further to add, I think it's time to say thank you, everyone, for your contributions. And it's now 8 minutes to three and closed this issue specific hearing.

01:01:41:28 - 01:01:52:38

Unknown

So thank you very much for your attendance, both personally and virtually. For those of you who are not in the room. Thank you. Thank you. Says.