

TRANSCRIPT_ISH2_SESSION2_DRAXPOWER_19012023

00:13

Welcome back, everyone to this issue specific hearing two on the draft development consent order. Before we start, can I just check with Mr. Harrell, that the live streaming and recording of this event has commenced? Thank you.

00:28

We now turn to Item four of the agenda, which deals with schedule two and 11 of the draft DCO. That is the requirements and the procedure to discharge those requirements. Madam closed system, I do have a update on one of the IDB

00:45

internal drainage bodies, which I can do now before you get into substance as it relates to the earlier conversation or I can pick up later. Yeah, no, do that. Now, I just want to highlight Thank you. I just wanted to highlight that,

00:59

on in respect to the Selby internal drainage board, the statement of common ground that we submitted into the examination at procedural deadline a and had which has a reference a s hyphen 035 confirms their consent to the DIS application of the land drainage act.

01:20

So that's already been secured, and is noted in their statement of common grounds.

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Obviously, there's another drainage body, which we're discussing this statement of common ground with, but it's want to highlight that now that one has already been achieved.

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Thank you for letting me know.

01:36

I am going to start this agenda rising with asking the applicant to provide an overview of the requirements explaining how they secure mitigation, but just just before I do that, I want to make some general comments about the phrasing of the requirements rather than on each individual requirement. repeat myself.

01:58

And that just comments I'd like the applicant to take away and consider and not necessarily comment on right now.

02:07

I'm not convinced that the drafting of the requirements do what they should do, or would be entirely enforceable because of the way they're drafted. So, what I would like you to do to go in consider and look at the drafting is all requirements should include an implementation clause, for example, shall be carried out in accordance with approved details. If needed, a timing clause for example, shall not commence or shall not be brought into operation until

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a retention clause, for example, should be retained thereafter, which I think quite a few requirements don't include

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and where necessary a maintenance clause to ensure that the requirements remain effective. And an example of that would be shall be maintained thereafter in accordance with

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so there are just some points that I would like you to take away. I don't need comments on each individual client, but I am going to ask the applicant to go away look at the drafting of each requirement and ensure that when needed, they include these clauses.

03:21

Okay, then could

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the applicant give us an overview please?

03:29

Thank you, Alexis Coleman for the applicant terms of the requirements in sheduled. Two, these relate to construction operation decommissioning of the authorised development requirements. One is that the authorised development must not be commenced after the expiration of five years from the date the audit comes into force requirement to requires a phasing plan to be approved by the relevant planning authority. I would just note on that one sort of pre emptying a potential question but we are proposing to amend that requirement. Because I think paragraphs subparagraphs three and four, either duplicate or more correctly set in requirements six relating to detailed design. So that will be an amendment that we'll be making in the next iteration.

04:11

And then requirements three requires notification to be given of the data for commissioning of each unit. requirement for is that approval agreement under the requirements must be provided in writing.

04:24

Requirement five relates to the process and limited circumstances in which amendments can be made to certify documents or Approved Documents.

04:32

Climate six relates to approval of detailed design and secures compliance with the design principles in the register of environmental actions and commitments.

04:41

Requirements seven requires the submission and approval of strategies in substantial accordance with the outline landscape and biodiversity strategy and sets out the details the strategies must include

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requirement eight lights to approval of a permanent external lighting strategy.

04:58

Climate nine reply

05:00

As the details of access has to be approved, climate 10 requires the submission and approval of surface water drainage strategies. Requirement 11 the authorised development must be carried out and operated in accordance with the flood risk assessment.

05:17

Climate 12 sets out requirements for written strategy related relating to contamination risk, and includes details of what the strategy must include such as site investigation, a site investigation scheme, and if needed, and the remediation strategy and verification plan.

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Climate 13 relates to archaeology and includes requirements for a written scheme investigation to be approved and sets out details of what the scheme should include. Climate 14 requires a construction environmental management plan to be approved and to be substantially in accordance with the commitments in the register of environmental actions and commitments.

05:55

Requirements 15 requires the approval of a construction traffic management plan. And for notices to be erected indicating approved routes during construction

06:04

requirements 16 requires the submission and approval of a construction worker travel plan.

06:09

Climate 17 relates to noise during operation and requires that numbered works one, two or three may not commence until a noise Mitigation Scheme is approved. And the scheme is to contain details of how the design of that numbered work has incorporated noise mitigation measures to achieve the

levels the rating levels set out in the requirement and also to include a set of noise limits that must not be exceeded during operation.

06:33

Requirement 18 is that no decommissioning works must be carried out until the relevant planning authority has approved the decommissioning environmental management plan. And the undertaking must submit that plan for approval within 12 months of deciding to decommission any part of the authorised development. And then finally, requirement 19 decommissioning works must be carried out until a decommissioning traffic management plan has been approved. And similarly that must be submitted within 12 months of deciding to decommission any part of the authorised development. And then scheduled 11 sits alongside the schedule, which sets out the procedure for discharge requirements. And that provides a bespoke procedure for dealing with an application made to the relevant planning authority for consent agreement or approval, as required by those requirements and scheduled. Two, it provides for a six week decision making period and the ability to request further information, consult with stakeholders application fees and an appeals procedure.

07:32

Thank you.

07:34

Thank you. I think what we were also looking for there was how the requirements secure the mitigation, how the wording of the requirements, secure the mitigation, but perhaps it might be better as we deal with each requirement

07:48

when we have questions for you to explain to us how the wording of the requirements secures the mitigation that it's aiming to do.

07:56

Mr Northover?

08:01

Thank you. We have a number of questions we'd like to ask. However, if anyone has any questions and comments to make

08:09

as we go through the requirements, then let us know we're going to go through the requirements in order. Sorry, Mr. Fox, yes, sorry. Can I just as we're going through this, I think it'd be useful if everyone is able to have up the register of environmental actions and commitments. Because in answering your questions, I think we're going to refer to that quite a lot

08:36

and Mr. Fox, do you have the examination Library Reference Number Do you hand

08:42

as dash zero 90 Thank you

08:47

is that as 093 or nine? t sorry? Nine two was clean nine three with trucking.

09:10

Okay, so, as I said, we'll get we'll go through the requirements order. So starting with requirement one, I don't I don't have any comments to make on this, but does anyone have anything they wish to say on requirement one.

09:25

So requirement to the phasing of the authorised development.

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I know you've mentioned already subparagraph three and I was going to ask whether the statement the authorised development must be carried out in accordance with the parameters in sheduled 14 design parameters was better placed in requirements six. You also referred to subparagraph four when you did your summary

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which is requires the implementation of the written

10:00

scheme for the phasing.

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Are you are you intending to? You're not intending to move to requirements six? No, sorry, I should have just referred to subparagraph three.

10:12

Thanks. Okay, thank you.

10:17

In relation to agreeing the phasing of the flue gas desulfurization, plant demolition, and the proposed scheme, I note from a note in the statement of common grounds with solar District Council and North Yorkshire county council

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that prior to prior to the application the applicant provided, so we District Council with the draft requirement text along with a suggestion that this is discussed further post submission.

10:48

So, I just want to ask, perhaps us salary District Council first, if they have any comments to make on the current wording of requirement to in relation to the phasing of the flue gas desulfurization. Plant?

11:06

No, we don't have any comments on that. We're happy with him. Okay.

11:14

Moving on to what sorry, was there anything from the applicant on rich because I'm part of only that, in the excuse me submitted statement of

11:25

common ground with Selby. This requirement is marked as agreed with them, we will be the person that we'll be asking to be some tweaks to us. But in some of the principle it's been agreed to in respect to the FTD demolition.

11:38

Okay, thank you. Just Just Just a quick pointer there that there may be questions that we do have about requirements that may be marked as agreed, but there may be points that the examining authority have to make on certain requirements that perhaps the council's haven't thought of. So we may still be asking questions even though they are marked as agreed just to make that clear.

12:00

So moving on to

12:03

requirement three, so I don't have any comments to make on requirements three to five. So I just want to check whether anyone else has anything they wish to raise on these requirements before I move on to requirement six.

12:18

Not seeing any hands in the room and nor online. So I'll go into requirement six, which is detailed design approval.

12:32

So requirement six, one D. And this question for the applicant to the matters referred to in subparagraph. One tea require consultation with the Highway Authority

12:51

which was on behalf of the applicant? No, these are internal

12:56

vehicular access circulation roads, etc. So it's purely within the private road system, if you like of the applicant.

13:05

It's purely a design issue with Selby. Okay. Can I just check that the council don't have anything to add on that?

13:16

K does have North Yorkshire county council. Okay, thank you.

13:25

And then also in the matters referred to in subparagraph. One t do do these only apply to work number three? And if so, should the details requiring approval be listed separately for work numbers one and two to work number three

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which groups on behalf of the applicant? Well, this goes to the question that you asked earlier about the catch all at the end of work eight B of shedule one where you have various items which includes for example, internal roads. So

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whilst there are work number three

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does

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include these elements.

14:16

So could work one and two because of the catch all. So we consider it all it should apply as as as drafted.

14:25

Okay, thank you.

14:29

And so, moving on to subparagraph, two of requirements six.

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So of the items at the register of environmental actions and commitments, which sometimes referred to as Riak.

14:46

subparagraph. Two there are some that don't appear to apply directly to the details that are require approval under subparagraph one, I'll just give a few examples. So envy three refers to noi

15:00

is monitoring. So, is this is it appropriate to have this here or should it be in requirements 17

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h one refers to known below ground heritage assets and areas of higher potential for buried heritage assets. And I wonder if this is again if this is relevant works numbers one, two and three, my understanding was that the known

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buried heritage assets are more relevant to work numbers five and six

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and

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also, w e 12345. And seven relate to the surface water management. So, is this more appropriate to have here or in requirement 10

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is the outcome first and it may be that the council have a view

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Richard grievous on behalf of the applicant,

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I think in respect of w one through two w. So, w e one through his W E seven, which is water.

16:16

That's that's the link into design. Whilst obviously reflect do link into the the Express article on surface water drainage.

16:26

And I think there is a design element there that we'd want to capture in respect of envy three that you mentioned and the heritage.

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I suggest we double check that outside this room, see whether actually, it's needed in requirements six.

16:43

But the reason why some of them might are there whilst they could be duplicated and other requirements is because they may have a design element

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to say what the web wants web seven thinks is appropriate. But envy three and h1 I accept maybe can be deleted. So just just to add to that Mr. Fox on behalf of the applicant for the web items, there isn't a separate from the drainage requirement is because they didn't go to

17:10

a lot. Most of them don't go into the design of the drainage itself. It's about how the rest of the scheme is designed to account for water impacts. So that's why that is separate from that requirement. Water discharge that surface water drainage system.

17:27

Okay, thank you was that was there something else Mr. Griffiths?

17:32

Sorry, I was just looking at the register of environmental

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protection, environmental commitments, and each one does say, avoidance through design of known blue. So that's why we've incorporated that into requirement six, to make sure that the design, when carried out does have that regard to what the environmental statement says. As an example. I think I think probably what it might be best to do in this situation is if you could have another look at it, what has been included in that and then provide an explanation as to why they've been included in that way because it wasn't obvious to us as an examining authority, why they were.

18:25

I'll hand over to Mrs. Jones for some further questions.

18:31

Thank you, Mr. Northover, if we could move on to requirements seven which is the provision of landscape and biodiversity mitigation and

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enhancement at the minute This requirement is is written in such a way that no part of number

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works 1234, etc. can commence until a written strategy for that part

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is submitted. Can you explain the rationale behind submitting a strategy for that every single works number rather than a strategy for the development as a whole.

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Richard Pearson policy advocate is drafted in a way that provides flexibility for how the scheme might be may come forward in the phasing so that

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either we could be submit the strategy

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as a whole or it could be done sequentially, depending on the phasing strategy that's then approved under requirement two. So it's about

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three discussions to authority, flexibility through the agreed phasing plan as to what may be appropriate, rather than simply saying why it must be done as a whole. I think I think what I found confused

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thing for this is potentially that could mean eight strategies coming forward. And a lot of the landscaping isn't related to the phasing. So the landscaping and biodiversity mitigation, for example, isn't linked directly to any of those work numbers as such, although part of you know, the the biodiversity mitigation area has its own work number.

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I can't see how that will work in practice. Because, as I say, the landscaping isn't related to those works numbers, and what would be the harm in that requirements stating that that that strategy should be submitted prior to the commencement of development?

20:58

I mean, I think average give us some healthy applicants. We know some work numbers like work number two, that's maybe done by a third party, not us, and D work ha. So I think it'd be wrong, to have a blanket not to commence all of it. Because work number two, if we transmit the benefit of that power, would be national grid. And it'd be wrong for us to implement a strategy that covers those elements that are subject to the benefit that are transferred benefit power that we discussed earlier. So that's my first point.

21:31

But secondly, I, you still got the lock has currently drafted, you still got the lock, that we can't do anything on any part of the scheme without agreeing the landscape and biodiversity mitigation? So no, we can't do this phase in the ground until we've agreed part of the landscaping. If the landscaping doesn't apply to

21:52

work, number one, then of course, there wouldn't be anything, necessarily there. But then the authority said, Well, I don't want it, we would rather we want to see, because you're maybe having this, you're gonna have this impact, we need to see how you're going to be the final form landscaping, they could refuse that it's within their gift. So we're still in a approval process.

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It just gives us the flexibility to try and sequentially build out the scheme without having to

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come up with a final design of the landscaping and mitigation from

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from the very beginning.

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Could it be the case that perhaps you could go away and have a another look at this requirement to look at how it's written in terms of each individual part. And maybe if you think this is correct, then I would like a further explanation as to how the landscaping that is proposed in the outline landscape and by diversity strategy, links to each of those works numbers and therefore how they would then come forward, potentially with aid strategies.

23:03

We will take it away. But we do have a mycologist.

23:07

Here, who I can pass to, to provide

23:15

some further detail if I could bring in Mr. Philip Peterson from double recipe.

23:22

I Philip Peterson, ecologist of WFP. So just to add to what Richard said, you know, we could have a situation where we have the detail available for some of the phases such that we can design the detail of the ecological mitigation that's relevant to those phases, but not be in that place for other phases at a point in time. And in relation to the points about the wider programme, it could be then advantageous to get those measures approved. Whilst they recognise and there are still other subsequent measures were the detail needs to be worked up. So that's all I would add to those points. Thank you. That's helpful. I do. I do understand what you're trying to explain to me. I just don't think that at the moment as an examiner, so do we have the information before is that convinces us

24:09

how the landscaping and biodiversity strategy has been presented to you is how that links to potentially aid strategies coming forward and how that secures that mitigation at the appropriate time.

24:19

So perhaps just a further explanation might be useful for us.

24:25

Yeah, we can expand on that and in writing in response from Sure. Thank you.

24:36

Is it the case? Do you consider that any of the commitments I'm going to say react because we have said it quite a few times now.

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Do you think that any of the commitments never actually be included in this requirement?

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misclassify off the applicant to the extent that they need to be

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whether what the way they

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react works is essentially as a signpost and so the measures that are within the OBS

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the outline as given by diversity strategy, to the extent that they are essentially mirrored within the outline lbs to the extent that in the React, so they are mirrored. Thank you for clarifying that

25:29

sorry, this was more theatrical, I should clarify that the construction measures are in the camp will, will be in the camp. And the React says that sorry, crashing environmental management plan. And the React says that that's how that must be secured a knee camp requirement later on, secure South say.

25:56

Again, just quickly point out their retention or maintenance clauses and that requirement.

26:05

Richard crimson part up you need to have seven, four, that says must be implemented and maintained in accordance with the implementation timetable,

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implemented and maintained in accordance with the timetable, which is contained in the strategy that's been approved pursuant to the main subparagraph. One, does that secure the implementation? That, to me that wording

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states the implementation timetable

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doesn't refer to the strategy as a whole.

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Perhaps I'm reading that wrong. I read that as me as clearly saying that you have to implement the strategy and then maintain the contents that strategy

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are set out in inequality timetables, the timetable will say you must deliver this landscaping and plant at this point by these times. So do you then implement the strategy in accordance with how that timetable sets out? And then obviously maintain it? So I would say that wording is clear. Now perhaps it perhaps it needs the addition of

27:09

details and timetable in the strategy to make likely to me a timetable is just the timetable?

27:17

I think we're on it as one in terms of implementation. And I'm happy to add in more wording if it's if that's what's required.

27:29

But the principle of implementation maintain is obviously accepted. Thank you.

27:36

Just have a minor point on requirement eight. It's something that's already we've outlined earlier. Again, it's just the difference in wording being used here between

27:47

I think this refers to the outline lighting strategy, whereas the document is actually referred to as the draft lighting strategy in the submission. So it's just to clear that up.

28:04

I see we've got a hand up online from Mr. McNamara.

28:11

Thank you, Tom McNamara for National Grid carbon, I'm afraid I was a bit too slow to put my hand up. And I missed the opportunity to

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pass comment on requirement six. So

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I don't know whether you want me to do that now or whether it will break your flow. And we can take it at the end, whichever you prefer.

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Please go ahead now. Thank you.

28:33

So just in relation to requirements six, which is the detailed design approval, we're very happy with

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the approach the applicant has taken here, in particular with no concern with the relevant planning authority

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being the consenting authority in relation to the detailed design of works, one, two, and three.

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The only con we did have is that, given the number of ways in which work number two, which is the

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the national grid compounds, given the number of ways in which that work may proceed and the lack of certainty at this stage about who will implement work. Number two, we wonder whether the requirements should include

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an obligation for consultation with National Grid carbon.

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Specifically in relation to work number two, we wouldn't be concerned with works numbers one and three.

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That approach would be consistent as well with the one that was taken on the recent key three order.

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The made order includes a very similar requirement to this one, and it includes consultation with national grid in relation to the proposed compound for that scheme.

29:54

Thank you.

29:56

Thank you. Could I ask Mr. Griffiths to provide to us

30:00

Yes, of course, we are actually in discussions with National Grid carbon over this, we don't have a problem with the principle in respect of work number two only, as it is the bulk

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or to a to work number two,

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A, which is the

30:17

carbon dioxide delivery terminal. I would add, though, that we're in discussion with National Grid carbon over protective provisions where that a constitution could also be placed. So it would either say we agree with the need to align and consult. But whether it goes in requirements six or whether it goes in the protective provisions is one that we're discussing it but what it shouldn't do is go and pay both. So that's the where we are with them at the moment and as soon as you reach a agreement that will be recorded in the statement of common ground with them.

30:58

Thank you.

30:59

So

31:02

if we could go

31:04

back to requirements eight.

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Mr. GRIFFIS Can you explain why the external lighting during construction is proposed to be approved as part of the construction environmental management plan instead of under a requirement within the DCA? And would it be clearer for requirement aid to be modified to apply to both external lighting during construction and operation, which I

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believe is the approach that was taken in the equivalent requirement in the tracks repower DC

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which was on par with our parents.

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I don't think it

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technically matters,

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how it's been how the draft or outline camp has been drafted to date already covers lighting. So

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we don't have a construction lighting,

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draft at all outline, construction lighting strategy. So given how it's been structured, to date, that would require us potentially to take an element out of the camp to refer to a draft construction lighting strategy, which I don't think is

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probably useful. So my view is that the external lighting in construction is secured. It's secured by the construction environmental management plan that's clear in the register of governmental commitments. And it's clear by the draft, or sorry, the outline construction environmental management plan. So you have that comfort that the lighting is secured in construction.

32:44

And I think my preference would be to contain it to to leave it there, rather than try and

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take it out of the construction of our motor plan and create a new document for what would effectively achieve the same purpose.

32:59

And this was marked African just add this item G seven of the Riak, which deals with lighting measures to be in the camp.

33:09

Thank you. I know the the the construction environment managed plan is referred to in the route. But we don't have the outline, construction Environmental Management Plan as an application document policies. No, it's the it's the React rest of the commitments that are sort of my my thoughts.

33:28

But it's clear in the register of environmental commitments, where it is to be contained. And I don't see a need for a bespoke requirement for lighting strategy.

33:42

Thank you, but this does lead to another point which is good is that can we have the outline construction environmental management plan submitted into the application

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the purpose of the register environmental commitments is to clearly set out the detail of the of what

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the camp

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which would contain that the approach the applicant has taken rather than put together a draft construction Environmental Management Plan, which at this point was a no some projects do do a construct an outline,

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but they quite often then are heavily amended because the contractor is then appointed. So the approach the applicant has taken is to pull out the commitments and the mitigation of the environmental statement. The outputs of the environmental statement say required, put that into the rest of environmental actions and commitments clearly state that they will be secured in the construction environmental management plan. The construction environmental management plan is then secured in the DCO. And when the contract is appointed, they will then work that up into a detailed document for approval by the authority.

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That's how

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we envisage it to work.

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And Miss Fox and dark

35:00

Can I also bring in Nicholas Ashworth from WSOP. Just to talk to

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Nicola rash with WSOP. Yeah, not a great deal to add to what Richard just said. But in my experience, in terms of construction, environmental management planet is a framework document. And you handoff lots of other management plans in that

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you would include, for instance, you might look at legislative and consent requirements for construction, the project, those are all already included elsewhere in the application.

35:34

The construction environmental management plan is primarily there to make sure that you're mitigating your environmental effects, in terms of what we've submitted in the register environmental actions and commitments that fully covers all of those, including the requirements for further plans to be included in the construction environmental management plan. And whilst we could submit an outline, it will be largely the REAC

35:58

with some of the bits and pieces included as well that we wouldn't necessarily know at this stage because the contractor would write them. So I would say my opinion is what is needed for the application is included in the register of environmental actions and commitments.

36:15

Okay, thank you. I'll hand back to Mrs. Jones.

36:20

Thank you, if we could move on to

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requirement nine,

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just a drafting point. Requirement nine says each of the accesses listed in schedule seven must not commence.

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How does an access commence?

36:45

I think it just needs maybe a couple of words. Yes, we want to tweak the charting. Thank you for pointing that out.

36:53

And is there a reason why this isn't prior to the commencement of development? Is there a reason it's written in this way?

37:04

Let's put some stuff out. Because he accesses might be built first.

37:09

So I think it's because this is just about making sure that that accesses work in relation to their interaction with the highway? Yes. It's, it's nothing. It's not really to do with any kind of environmental control. It's more kind of how I designed traffic type control. Okay, it makes sense for it to be limited. So if it's if it's because this might come first, and why would the wedding prior to the commencement of development, you would submit the details of these accesses? Or Or is it the case that some of these accesses would come after the commencement of development?

37:43

Yes, they may do depending on the phasing of the work, right. So you might notice the same argument they had under their

37:50

landscaping biodiversity strategy. Okay, thank you.

38:02

Okay, if we could move to

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requirement 10. Again, I think there may be a drafting error with this requirement.

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Two and

38:15

four.

38:19

Why do we have details approved for construction? And then why do we have details again, approved for construction? It almost feels like we're missing, we're missing an item here. Should you have a separate?

38:35

So 10 One, for example? Should you have a separate version of that for construction and operation? And then a separate two and four for construction and operation? If that makes any sense?

39:06

I think what I would suggest is looking at other requirements that are worded very similar to this, it almost appears that there's there's a bit missing.

39:15

No, which groups and party options No, I think actually tend to need to be deleted, because the details would apply both in construction and then move into operation. So rather than actually having separate details for extraction are separate details for operation it actually is one, but it morphs into from construction to operation. So actually, you don't need to tend to do you just need 10 one, okay, three and four. So that's the amendment we will make. Okay, thank you.

39:48

And again, just a minor point which we raised earlier,

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but it all does need to tie in submission is called existing drainage systems, not proposed

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surface water drainage strategy

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just if you can have a little look at that and ensure whatever wording is used in the DCO does match with with the submission that is within the application.

40:24

Yes, thank you.

40:27

Okay, moving on to requirement 11.

40:32

Could we ask the Environment Agency in the first instance, it's a very simplistic requirement, which requires that the authorised development must be carried out and operated in accordance with the federal flood risk assessment. It's not requiring the submission of any further details or retention, for example, on the Environment Agency happy that no further details would be submitted.

40:57

Post consent for to be approved.

41:02

Matthew Wilcock environment agents.

41:06

Yeah, the intention is the absurd the FRA, as approved, should be sufficient. So I don't think it would require any additional information to be submitted at a later date.

41:21

They're fully happy with the wording and requirements 11. I think we were hoping to have the approved produce assessment just for the sake of clarity. But that's still something I think that's under discussion.

41:35

Ms. Fox mouth African just to add that within the effort. And the reason this is drafted, quite simply is because within the FRA itself, there are various commitments and when we will go talk to the Roman agency. So rather than having to write that out, of course, many paragraphs of the DMCA was set out in the

41:51

unified risk assessment. And an example of that would be the

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the compensation area that was subject to proposed changes, where we've committed in the updated fra to consult with the EA on details of that as it taken forward. So that's why the the requirement is drafted quite simply. Okay. And can you just confirm for me that the flood risk assessment contains details or commitments, at least two, to retain, retain what's proposed in that business assessment and maintain it in accordance with those details?

42:25

I assume it does. But I can't I can't confirm that right now. So we'd have to find that right. I think if we could just have a check that the wording and the assessment does do that. Or perhaps the requirement might need to be amended to secure that. If it doesn't, or amending the FRA itself Yes.

42:48

Okay, if we could move to requirement

42:52

12.

42:54

I suspect you're going to give me the same answer. Again, this is what I said earlier. But again, this was a clarification of why this particular requirement needs to come in parts.

43:07

Which gives on behalf of the applicant. Yes, the same reasoning. This is ground conditions. And as we've outlined,

43:16

I think the the intention to the applicants have flexibility for how it commenced the development and rather than having to enable horse appointed multiple contractors, depending on the phase, the phasing the type of work is being done and where they are on the site. And therefore, rather than trying to discharge all the requirements in Juancho, in order to start the first work number in their construction programme, when a later work number might be six months down the line, and they're still discussing with potential contractors, this gives the applicant the flexibility to get on and commence work number, whatever it is, whilst they're still working through the contract construction contracts for later work package starts just gives it's basically a flexibility on some, as I've outlined earlier. Thank you. So just add to that Mr. Fox and pass the applicant that I think requirement 12 is also slightly different from requirements seven in terms of, although it refers to a strategy, that strategy has a number of steps within it, not all of which might necessarily be incurred depending on the results of the slight investigation that you do. And I think that it's also the case that kind of ground investigations are a lot more site specific to the investigations that you have to do within a specific square of land as opposed to work perhaps where you were coming from requirement seven where you've got landscaping, which performs sorry, multiple functions, whereas here it's very specific site investigations and specific areas. So I think the logic would be slightly different for

44:46

our explanation as to why it can be done in multiple different ways. Thank you.

44:54

Know, piling works comprised in numbers where it's one two and three must commence until a piling

45:00

risk assessment has been submitted to and approved by the Environment Agency. Yeah, it would be the it would be the relevant plumbing authority who would be responsible for enforcing against any of these requirements? How would the relevant planning authority Be aware that that had been submitted and approved by the Environmental Agency?

45:40

Richard goes on partly applicants.

45:42

Obviously, the, obviously me the opposing thought he is the local authorities.

45:47

But in this case, the discharging authority is the Environment Agency. But I, what I what we can add in is that our check is not in the shed in the schedule. Is that where there is another body that is discharging the requirements, then we can send the other information purposes, the same the application to the relevant authority. So they are aware we've done it before piling has been has been done. And the same with the decision form in this case Environment Agency. If that's if that's if it's not already covered. Thank you.

46:23

Can I just ask the Environment Agency if they're content with the the wording contained in requirement 12.

46:32

Mr. Wilcock

46:34

Massey, environmental agency? Yes, yes, we are happy with working 12. Okay, thank you. And just a final one to develop the remedies on the applicant? Should there be any?

46:47

Or is there need for any ongoing monitoring? And should that be included in the requirement?

47:09

Richard crews on behalf of the applicants

47:12

in the step two process in 12, two, you do have reference to any requirement for long term monitoring

47:23

of pollutant leakages, maintenance or other arrangements for contingency X action. There's a reference there to agreeing whether there was a need to carry out long term monitoring. So we would say that it's already covered. Okay, thank you.

47:38

Okay, we'll move on to

47:41

requirements 13 Could you just give us a brief explanation why this only relates to work number five please.

47:55

Rescue some part of the applicants that is

47:58

the outcome of the environmental assessment in terms of where there may be potential

48:04

with in respect of that work number which is located outside the

48:11

construction operational power station

48:16

is the temporary construction lay down area.

48:23

And then just add to that metaphors from the applicant unconscious that to the other areas.

48:30

There are the areas outside of the

48:34

site. And

48:37

in terms of the not the proposed changes that were made and habitats division area, to the extent that they're not included within this requirement, as because it was considered in the works would be unlikely to affect archaeology. And otherwise, there are

48:52

commitments in the react to

48:55

which I will just get the reference for you

48:58

the moment

49:00

which deal with that as well.

49:05

Which, essentially to come through the camp. So at the moment in the view is highly unlikely based on the baseline as described in the proposed changes application report that there wouldn't be any remains, but they're kind of fairly standard measures that are in the React space to be in the camp nation to watch embrace clock of work, WSI is when necessary, etc. are included in that way. So it's kind of the results of the ES which suggests there might be something in work five source control, but that specific requirement everything else that's considered either the baseline or the work that we're doing will be unlikely to so the understanding combinations would apply.

49:40

And is that the same case for work? Number six, the habitat provision area, given the proximity to the sheduled monument?

49:50

That's my understanding. Yes. Okay. Thank you.

50:00

Okay, let's move on to requirement 14 which is the construction environmental management plan. Again, just to the question, the question to the count the council's please Are you satisfied that there is sufficient detail in this requirement?

50:27

Jenny Timon Silva District Council

50:31

in terms of the the the requirements and this one specifically, while our technical officers are looking and reviewing today's you alongside preparing the local impact report, so, we would we're sort of ongoing. Looking at that. So we would confirm as part of deadline one, any comments we do have in relation to that particular requirement for my consultation.

50:52

Thank you.

50:54

Kelly Dawson from North Yorkshire county council. Our client departments are broadly happy with what's been subverted to date.

51:08

Okay, and if I could just ask the same question again please for requirement 15 which is for the construction traffic management plan.

52:07

Mr Lawson, if you'd prefer to respond in writing, that's absolutely fine. If it's not something that you that you, you have to respond to you now.

52:21

Sorry, Kelly Dawson, North Yorkshire county council? Yes, the current accounts have already happened. It's been submitted. My hesitation was relation into some tweaks that might be required for the public rights of way that we can respond in writing, if there's anything additional that we need to have included. But yes, but we're broadly satisfied with that as well. Okay, thank you.

52:49

Don't have anything on requirements 16. If we could move to requirement

52:58

17.

53:00

Just a consistency consistency point and it is quite picky.

53:05

We use the word may and we use the word must throughout requirements is just a consistency point. If we could just

53:15

use the same

53:23

and again, this is similar question. Do area should there should there be a separate requirement for control of noise during construction

53:33

which appears on behalf of the applicant? Again that's secured via the construction Environmental Management Plan and is identified in the register of environmental actions and commitments. Thank you.

53:50

And requirement 18. Just wondering whether the

53:56

should the commitments in the React be referred to within the requirement and the explanatory memorandum refers to the commitments within the react in relation to this particular requirement? I was wondering whether the wording of the requirements should contain those references.

54:14

So we did some health outcome we added a paragraph for version four. Version Three I think actually.

54:23

Okay.

54:25

And the reason I should say is the reason it doesn't mention specific measures is because

54:32

the professor principles is because obviously we're talking about 2025 years time where things may have changed. So committing to everything that we've committed to in the React now may not actually be relevant. So that's why the wording was thrown deliberately to the principal's informing the measures. Thank you. Yep.

54:54

And was the reason for separating out the traffic management plan and not including that within the ditch

55:00

Danville environmental management plan for decommissioning

55:03

I suppose them half the applicant, I think just kind of consumed that logic for construction need tend to separate them out and often we found this year so I was authorities like them to separate.

55:14

Okay.

55:15

Thank you.

55:18

Okay, that brings me to the end of

55:21

any questions I have on requirements. Mr. Boozman.

55:26

Sorry. Thank you. Stuart Boothman on behalf of just transition. Wakefield. I tried to raise my hand during requirements, seven apologies, no, no. So a question about requirement. Seven, seven F mentioned monitoring and surveys.

55:43

But the provision for ongoing ecological monitoring and measurement of actual biodiversity net gain is not very clear. So could this be either strengthened or clarified because it's all within sight. But certainly, interest groups such as the Wildlife Trust and special interest groups like that groups and so on, have a legitimate interest in knowing that that is secure into the long term? Thank you.

56:12

The applicant might respond, Yes, but suppose the applicant, it's because the detail of this in terms of the commitments the applicant is making now are in the outline landscape and biodiversity strategy itself. So f is essentially building on that, in given that we have to be in compliance with that outline, and that is Section six.

56:34

Of that, and that includes including, particularly with reference to bng. Referencing para 6122 require us to do the work to show that we're progressing towards the debriefing big

56:48

Mr. Wittman, I don't expect you to have a copy of that to hand but perhaps it's something you can go in and have a look at the the paragraphs that the applicants referred to. Okay, thank you.

57:00

Is there anybody else in the room? We would like to raise anything in relation to requirements?

57:08

Does the applicant have any further points to make?

57:11

And which goes on for the applicant? No, no, thank you. Okay. And which case I am going to move on to schedule 11.

57:22

And that is the procedure for discharging requirements.

57:28

requirement to one

57:32

gives a time period of six weeks, which is a little shorter than in some made development consent orders and is shorter than the standard eight week period that the council may have to discharge

conditions on planning applications say, is there a reason for this being shorter than than the normal eight weeks?

58:00

Which gives some of the applicant I mean, this period this schedule is of course, one word we'll be discussing with the authorities. So we've posed six weeks. Appreciate there are various different timeframes in different orders. Some have six, some have eight. We've post six in this case in respects this project, but it's something that we will of course be discussing to reach agreement on with the authority.

58:24

And do do the council's have an opinion on the six weeks being shorter than the standard timeframe

58:31

at any time and server District Council. Yeah, it was a point that we picked up on that it was a shorter timeframe, but it's something we would like to discuss with the applicant going forward to yeah, see if we can reach agreement on those timescales. Yeah, yeah. Yeah. Because that was included in obviously the timescales for main amendments as well as another one that we would like to discuss with that. Okay, thank you, I think we would encourage you to keep going with those discussions. So we can

58:57

in some earlier submissions of the DCO have that sorted and agreed if we can.

59:05

And again, if we could just go to

59:08

three subparagraph. Two,

59:13

again, this gives you

59:16

10 working days, do you identify that you require further information? Is that sufficient time to identify that

59:26

gentleman's sub District Council? So again, that's one we'd like to discuss further with the applicant. And similarly the 15 days for weathers consulte something we'd like to discuss further with the applicant.

59:39

Okay, this is because I might get this the same answer for three, paragraph three. And that requires that if the requirement requires consultation within another body, then you must do that within five days of receipt of the information being submitted to you. Any further information that's required

1:00:00

hired must then be notified within five days of receipt or in any event 15 working days of receipt of the application seems a very short timescale, if the consultation goes out on day five, for example, only gives the console consulte 10 days.

1:00:20

Think normally on

1:00:23

standard planning applications, for example, consultation tended to give 21 days to respond.

1:00:29

Do you feel like that's too short of a timescale

1:00:33

at any time and sub District Council? Yet again, that's something Yeah, that we would like to discuss further with the applicant? Because yeah, I think overall the timescales do seem quite tight.

1:00:46

Is the applicant haven't really for me to move on from that, given that there's going to be ongoing discussions? Yes. I mean, we are I mean, I would highlight this is, of course, nationally significant, not an ordinary planning application. So timescales

1:01:00

should be

1:01:02

quicker and faster than ordinary development. But yes, I mean, it's something we'll we will carry on with our discussions with the authorities on

1:01:16

just something I would like you to explain to me, given that you are proposing requirements that could be

1:01:24

discharged in in parts, for example, the the the landscape and biodiversity strategies, we could have eight of them, for example.

1:01:34

How does that work in terms of fees, and how does that work in terms of discharge, because that requirement won't be discharged fully until all strategies have been submitted. And the fees section of, of schedule 11, which is for refers to the fee being paid to discharge that requirement,

1:02:00

which was on behalf of the applicant, you can of course, discharge in part. So we're happy to make it clear in paragraph four, shows 11 discharge in full or in part. So a fee will be paid on submission of an application, not just, we don't pay the fee, purely when the whole requirement

1:02:22

has been discharged. We accept that when we submit an application that should garner a fee. So I think it probably just means we need to clarify paragraph four and refer to discharge in part or in full. Okay, so are you intending to pay the fee every time you submit? That would be the intention? Yes. To have that that ensures the that obviously looks into our timescale points.

1:02:44

We wouldn't be happy with that if long time periods were being proposed. The idea of fee is of course, to make sure that we get the alphas at time to process it to meet our timescales. Yeah, I think yeah, perhaps what you're suggesting is just clarifying how that works for requirements that may be discharged in parts hardware for proposing requirements of that nature. are happy to do that. Thank you.

1:03:10

Okay, that is everything that I had to raise on schedule. 11. Does anybody else have anything they would like to raise?

1:03:21

No.

1:03:23

Okay, in which case, we will move on to protective provisions.

1:03:30

Which is item number five. Firstly, if I could just ask the the applicant to give us an update, please on those protective protective provisions that are included in in schedule 12, including any revisions that may have been made since originally submitted.

1:03:46

Thank you, Alexis Coleman for the applicant. So in sheduled, 12, we have part three, which is the protective provisions with national grid as the electricity and gas Undertaker, and we are in negotiations with injects lawyers on those protective provisions. Most recently, we've had comments back from them last week, which we're considering.

1:04:07

And both parties expect well, sorry, no, I think it's just I think we probably were great. I won't speak on behalf of India. But we expect that agreement will be reached during the course of examination.

1:04:18

So we're not at the point of needing to update the protected regions in the order at this stage, but we will update them as we agree variations with with NGOs, lawyers, and then perhaps for includes protective provisions for Network Rail. We're also in discussions with network rails lawyers. We've agreed that the

1:04:37

interaction with railway property from the authorised development is quite limited. So it may be that we either removed potential revisions or simplified them significantly. We should be able to confirm that position fairly early on in the examination.

1:04:51

were proposing in further drafts of the DCO that there'll be two further sets of provisions at the stage one with National Grid carbon. The applicant is expansion

1:05:00

rafts of the protective provisions with national grid cabin and discussions are ongoing. But we expect to reach agreement with them during the course of examination. And then national highways is also provided us with a set of protective provisions. And we're considering these at the moment. And again, we would expect to reach agreement on those during the course of the examination.

1:05:19

Thank you.

1:05:23

Thank you. Do we would any of the utilities or such unity because you're here wish to raise any concerns or provide any updates on their protective provisions? We only have national grid carbon here with us this morning. Would you like to raise anything?

1:05:41

Mr. McNamara, Tom McNamara Yes, Tom. Mr. For National Carbon. I don't have anything to add. Miss. Miss Coleman has expressed the position perfectly well. Thank you.

1:05:54

Okay, that's great. Thank you.

1:05:59

This takes us on to item six, we did say we would potentially break at one for lunch. We haven't got a huge amount more to get through.

1:06:10

I would like to hope we could probably get through the rest of the agenda in the next half an hour. Would anyone have any objections if we just continued on till 130?

1:06:21

Okay, let's carry on, then I'll hand over to Mr. Northover.

1:06:25

Thank you. So Item six need agenda deals with sheduled 13, which is the documents and plans to be certified.

1:06:35

I, I was going to ask whether the construction environmental management plan outline construction environmental management plan should be submitted and included in that first, but I I understand your position that that's covered in the React.

1:06:51

The other document I wanted to ask

1:06:55

for comment on is the design framework. So as chapter nine says that it should it's intended to be used as a basis of reference for the detailed design phases.

1:07:06

So

1:07:09

as your approach like this is secured under item D, one within the Riak rather than needing to be

1:07:18

a document to be certified in itself.

1:07:25

Which reach agreement on behalf of the applicant, the design framework has informed the design principles that have been contained in the register of environmental commitments. So that's how that sequence has worked.

1:07:37

Okay, thank you. Does anyone have any comments that they'd like to make on whether the list in sheduled 13 is complete? And if not, what additional documents would need to be included?

1:07:55

Not seeing any hands in the room. Anyone online?

1:08:00

No. In that case, we'll move on to

1:08:04

item seven on the agenda, which deals with the consents.

1:08:12

So we note that the application for the variation to the environmental permit was submitted to the environmental agency in August 2022. Is that correct? Which gives them half the applicant? Yes, that is correct. Okay. Could you provide an update on the progress and the timescale of this, Mr. Gross?

1:08:36

Yes, well, not much to say really, the applicant.

1:08:40

This is an area where we need to update the other consensus analysis documents to refer to the submission of the application in August on the 22nd of August 2022. It's going through this stage to process with the Environment Agency as agreed with them. And that means in terms of how we provide information into the application process, that stage processes, as I say, has been agreed with the EAA. It's going through it. Now. I can't really say to you anymore in terms of timescales, but it is progressing following its submission in August last year.

1:09:18

Thank you, is there anything that EA would like to comment on?

1:09:23

Thank you, Chris. Gone Environment Agency. So that's correct. A stage application was made in August 2020 to the stage application process allows for an application to be submitted, noting that certain elements of x will be missing in inverted commas. They are the staged elements. The cover letter with the application given a timeframe for which by which those staged elements were to be submitted. There were seven stage elements that are to be submitted.

1:09:55

The deadline date for six of those was circa March, April.

1:10:00

2023 The Seventh One was November 2023. But it's my understanding now that the applicant is endeavouring to get all of those staged elements submitted by March April 2023. If I'm incorrect on that, I'd like the applicant to speak up.

1:10:25

Richard, because I'm probably up against I think, given that detail, I will pass to Stephen Foster,

1:10:30

the Environmental Manager at Drax to confirm.

1:10:36

Thank you, Mr. Foster, do you want to come in?

1:10:41

Yeah, I can confirm that.

1:10:47

Okay, thank you. And for the environment agencies. Sorry, Mr. Foster, could I ask you to turn your microphone off?

1:10:58

Yes, sorry, Mr. Gan. Sorry, Chris gone Environment Agency. And then just to conclude, once we have the staged elements submitted, we can then move to the jewellery making process. And then once the applicant assuming the application is duly made, we then start your termination.

1:11:16

And it's at that point that we will issue shedule five notifications, requesting further information where we see fit

1:11:28

and other broad anticipated timescales for the process. Once the application is duly made. We understand that the applicant is hoping to have a assuming that the application can be determined, a determined application

1:11:47

by April 2024. I think that's correct. So that would be the timeframe that we would be endeavouring to meet

1:12:08

Thank you.

1:12:11

I'm

1:12:14

sorry.

1:12:15

Yeah. I we're actually targeting March 2024.

1:12:21

Just a slight subtle difference, but I thought I'd put it in.

1:12:32

Thank you.

1:12:35

Document 5.5 Other consents, and licences, which is a PP. 035 refers to a number of other consents, licences and permits that would be required for the proposed development. Can the applicant provides an update if there is one on progress and timescales for obtaining these consents licences and permits,

1:13:03

which grips on behalf of the applicants? Aside from the most of the other consents, licences that are in the document you've just referred to, are noted as being ones that can only be applied for post deployment consent or would have been granted and

1:13:20

by the pre construction or pre operation of the plant? I say they will, nothing has changed in that respect in respect of the consent documents. The only one I'd like to highlight, in addition to the environmental permit that we've just mentioned, is the

1:13:34

district level licence for great crested newts.

1:13:40

We've, we're progressing that with Natural England regarding the use of a district level licence for great crested newts in respect to the scheme. We've received various information from National Natural England, such as the quotation to obtain it. discussions are ongoing between the applicant and the applicants, ecologists and the officers over the licence. And

1:14:05

we should we're aiming to hopefully get the ability to use the district level licence by the end of this month. So that's the only other update to the to the other consents and licences document.

1:14:25

Thank you, I'll hand over to Mrs. Jones.

1:14:30

Thank you, Mr. Northover. I just want you to join the section 106 agreement.

1:14:36

Could you give us a an update on the progress of the section 106 agreement and when we are likely to see a first draft of this

1:14:49

agreement.

1:14:50

Richard grievous on behalf of the applicants, heads of terms for the 106 are

1:14:55

in the examination in terms of the draft agreement, the draft

1:15:00

has been provided to the authorities. That was in October 2022. We haven't received comments to date. But we understand the authorities are reviewing the agreement. And we expecting comments on it. Shortly, we can provide into the examination at deadline one, A, the current draft as it stands, but with the caveat that occurs, of course on the discussion, so you can see what it contains, and the progression that is already made.

1:15:33

But in terms of

1:15:34

say the council has got the draft, we're waiting that first draft comments back

1:15:39

on that as soon as possible. But we are we are in we are seeking to progress it as quickly as we can. Okay. Thank you.

1:15:48

I think just touching upon the the section 106 agreement, I think is examining authority, we obviously need to ensure why that's there, and then it meets the relevant tests.

1:15:58

Paragraph 55 of the National Planning Policy Framework states that obligations should only be used,

1:16:04

where it's not possible to address an acceptable and unacceptable impacts through a planning condition or requirement for development consent orders, could you provide us with a brief explanation of why those matters, cannot be secured through a requirement and need to be secured through an obligation

1:16:25

which agreements on behalf the applicant to the 106 contains three key obligations.

1:16:33

The first one is in respect of the local employment scheme. Now, I do admit that that could be a requirement in turn consent order, however, as we agree, similar require an obligation that we agreed

the authorities on the report was called the rebar project back in 2019. The reason why it was provided in in the one six agreements is because of the level of detail that it goes into, in respect of

1:17:01

how we will,

1:17:04

how contracts will be entered into the process that the authorities have, etc. And it was felt that detail was better placed in a 106 agreement than as a requirement on a statutory instrument.

1:17:19

The second

1:17:22

item is a local Liaison Committee, which again,

1:17:28

for reasons in discussions before the I think was the authorities wanted that in the 106 rather than as a requirement.

1:17:36

But I you know, we would, that can easily be a requirement. So I, I am happy that that there's no reason why it should be in the 106. I can be honest with that. It can't be moved into requirement. But I think it was a, we were following the process set out in the previous one or six agreement that was agreed under the earlier 20 2019 consent order. And we didn't want to change too much from what was previously agree with authorities. But that is something that

1:18:03

I don't see why we couldn't move into a requirement. But there was going to but then the last requirement is the ecological offsite improvement works, which is dt, which cannot be in the DCO because it's off site. And so this

1:18:17

this binds the land, both are both the development consent or the land plus the off site improvement areas. And so for that reason has to be in the one a six, there is going to be a one a six regardless. But I would accept that we're quite obligations one and two that I've outlined, could potentially be developed central to requirements.

1:18:38

The employment scheme isn't because it's the detail it goes into. I do think that is better placed as a 106 obligation to

1:18:47

we could move into subject to our discussions, the authority, if they're happy for us to place it into DCA, then that may mean that they move into the DCO going forward. Yeah, I mean, I think what I'll do is I'm going to leave this with you. Yes. And rather than trying to come to any sort of conclusion, today,

1:19:05

as an examining authority, we have to assess that 106 The relevant policy and policy does say it shouldn't they shouldn't be used where they can be.

1:19:15

So I think the only obligation that potentially falls in that category is some is obligation to which is the local liaison committee. Okay. Okay, thank you.

1:19:27

I can't.

1:19:28

And again, could you

1:19:31

plus, possibly, briefly set out how you feel as much as perhaps separating them into the three matters, how each of those three matters, meet the tests of it being necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development

1:19:57

just on the ecology one first um,

1:20:00

I just voted reference, I think, in document reference as 17.

1:20:07

I think you asked this question when we were talking about the off site habitat provision when the application was just

1:20:14

brought forward. And the first point I would just like to make is that the

1:20:19

the do you want to six obligations in relation to the biodiversity and both in terms of the off site, habitat provision, area and the river based by bng, that we need to

1:20:30

secure does interlink with the requirements where it needs to do in terms of the references to the lbs as you will be able to seen from the heads of terms.

1:20:40

But in terms of the those policy tests, we think that it's necessary, because it secures the delivery of the ecological mitigation that was determined to be necessary following the EIA. It's directly related, because as EA identifies the ecological mitigation is necessary, as a result, the impacts of the scheme. And it also helps achievement of biodiversity net gain relating to this specific development, and is fairly amazingly related in scale and kind, as it covers the land that's required to deliver ecological ecological mitigation and to deliver the commitments on biodiversity net gain in the OBS. Okay, thank you. So just before we move on to the to the other, the other two matters that are contained within the 106, just to confirm that the offset habitat is to provide mitigation and biodiversity net gain dual role in that respect? Yes. And I do think in your response to

1:21:37

that in as 17, you did respond was a you did make a comment about how because you're not necessarily aware yet of the the amount of land needed for to achieve the net gain. That was one of the reasons why it wasn't included in the order limits and why it was included, as it was included in in 106. And secured this way. Just, that doesn't mean that you're going to need more land than you have indicated. Because obviously, the 106 will still have to have a red line around that land. Yes, so.

1:22:07

So I suppose that was about what, because obviously, bng is made up of different elements, the hedgerows and the habitats in the river. And to deliver the First Tee,

1:22:18

we'd have, it'd be working out how much of within that red line, we would need to deliver kind of the mitigation aims as well as the bng. Aims. In terms of the river areas, I think you would seem from the heads of terms that that

1:22:33

sought to kind of secure a process by which we would confirm to the local planning authority, how the rivers would be delivered.

1:22:41

We are conscious that that is one of the kind of things that's been left hanging to date within the application material, I want to can say we have a doubt consumer has made positive progress identifying how that's going to be secured. It is I can confirm outside of that red line. But it's working with a another body a reverse trust, whose name I have not quite remembered. But the ribs just and it will be the one that sets will make clear in due course, once we've confirmed with our breakfast trust, what is to be delivered, how that will be done, including thinking about who needs to be parties in agreement, etc. So that is I can confirm in progress. And very quickly, hopefully, within examination presses be able to update. Okay, thank you.

1:23:27

Could we have the same explanation for the other two letters that are contained? Perhaps not the

1:23:34

local Liaison Group because I appreciate you've stated that it doesn't necessarily need to form part of the 106. But for the other for the other match if you could just explain how it meets the tests and what the policy background is to securing that to a 106 Please. Yes, thank you, Richard Grierson probably obligated to do so the local employment scheme links directly. So starlike directly related to the benefits of the scheme. We touched on the needs and benefits statement yesterday, we didn't go into the economic side of that statement. And we didn't go into social economics can be presumably subject for future hearing. But the scheme obviously will give rise to economic jobs, green economic jobs, D That's what policy also refers to in terms of the cluster and the projects, and therefore, to ensure that the scheme

1:24:28

helps deliver benefits to the local area on those jobs and gives the best opportunity for local people to take the benefit of the construction of the project and operation and indeed, all the indirect jobs that's make will come from the scheme.

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You you have the local employment scheme obligation, so it's directly relevant related to those reasons and proportionate in respect of how

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we will work with the authorities to ensure that the

1:25:00

scheme is advertised the construction and the operation and the job opportunities are advertised in and working with the, with the the brokerage parts of this council to ensure that

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people and local people and companies can bid for contracts

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on the scheme to maximise the benefits in the local area for, for the development of blacks. So that's the core justification and white Mesa policy tests.

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I would think it would be beneficial when we do received it the first draft if we have

1:25:38

that in writing for us as an examining authority, how it how it meets those tests, if you could provide that for us. Yes, we can do that. That's not

1:25:47

the council's have anything, but they wish to reason with regards to what we've just discussed there.

1:25:54

Kelly Dawson from North Yorkshire county council notes just to reiterate the comments really were broadly happy with the section 106 Will will well advanced in the instructions on that and we expect it to be able to iron out most of those elements very quickly in advance of deadline one for it for a draft to be with us.

1:26:09

Thank you for that. Does anybody else have any Mr. Boozman?

1:26:15

Your Bozeman representing just transition Wakefield.

1:26:19

From the name, you can tell that we have a particular interest in the economic transition and the social justice within that. Just a comment that obviously we need to follow up when those documents are submitted. But what you have said about local jobs and local supply chains, seems to go further than what was originally published in the needs and benefit statements, which if I recall correctly, this is from memory, not from what's on screen in front of me, commented that most of those decisions would depend on who the contractor was.

1:26:59

Richard grievous on behalf Hopkins, there are some contracts that

1:27:04

we are excluded from the local employment

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scheme. Because of the very nature of the project, there are only specialist companies that cannot which I'm sure everyone will understand, that can deliver

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this type of project. So there at the local employment scheme does outline which contracts are the two contracts, main two main contracts that would be excluded for the specialist nature of them. But of course, there are a raft of other job opportunities in a project like like this, both direct and indirect, ranging from security, for example, to others that we can at the scheme will give rise to you and it's an it's a, we rely on those benefits part of the planning balance, as it sets out the application. And therefore, hence the the directly related to the scheme to ensure that the the zoning authority, then the secretary states can place the appropriate weight on what these benefits will give rise to.

1:28:07

Mr. Booth, and I don't know whether you have had an opportunity to look at the heads of terms for the section 106. I appreciate if, if people aren't that familiar with sort of planning processes, you you might not have looked at that. But this is a legal agreement that the applicant is proposing to be secured

alongside the development consent order and the heads of terms are have been submitted in the examination. And if you wanted to have a look at that, and then you can, you'll have your opportunity to respond in writing with your written representations if you wanted to make any any points on that and writing.

1:28:41

Thank you, I will have a look. And would that be for deadline one or deadline two?

1:28:58

I had written representations in draft deadline to.

1:29:08

Okay, that's all that's all I had. Oh, sorry. I'm sorry. I was just gonna say

1:29:12

that again.

1:29:15

Just to add, I suppose that the headstand have been published, but it is in as we said earlier on as an examination timetable that kind of full of draft and must be submitted a deadline one.

1:29:24

So you will have even hopefully more information on that if the deadline wanted and inform your reps for deadline to

1:29:31

thank you, Mr. Fox. That's all I had to raise on this matter. Does anybody else have any comments they would like to raise before we move on?

1:29:41

No, in that case, I'll hand back to Mr. Northover.

1:29:46

Thank you. So moving on to Item eight on the agenda which is statements of common ground.

1:29:52

This statement of commonality for statements of common grounds, as 039 identifies that for

1:30:00

As the discussion is required on the matter of DCO and protective provisions in several of the statements of common ground, coming up can provide an update focusing just on the matters where there has been progress made relevant to discussions on DCO and protective provisions.

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Which give us some health advocate. I'm gonna pass it over to Mr. Matthews stocks from Dr. SP has been leading

1:30:25

progression on the statements of common ground to provide that answer.

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Yet Matthew stocks to SP on behalf of the applicants. So yes, as you know, we submitted a draft statements of common ground in the procedural decision on the 11th of November. And since that time, we have been in ongoing discussion with those parties. And these are being updated in line with those stakeholders with the intention to submit by deadline one. And he's been updated further to the receipt of the rule six letter to ensure that the required scope is addressed and addressed the submission of the change request. Also.

1:31:05

The current exemption is with Historic England which was previously finalised and signed so we're seeking their confirmation that it doesn't change their position. So that finalised version doesn't need revisiting.

1:31:17

They're also preparing two additional statements of common ground with National Grid, Electricity System Operator and national grid electricity transmission and seeking submit an agreed position by deadline one.

1:31:31

I'll be at this point we've not heard from National Grid Electricity System Operator so that might be a unilateral unilateral position statement.

1:31:41

In so in addition to the currently finalised statement of common ground with Historic England, we understand there are currently no matters onto discussion with salby internal drainage board or East Riding of Yorkshire. So those could potentially be finalised. At this point in time matters continue to be under discussion with all the other stakeholders. And we'll set out that position in the statement of common ground and summarise in the statement of commonality submitted deadline one.

1:32:08

At the moment, we have set out our position in those documents and sent them through to the stakeholder and in the main are awaiting feedback. So I wouldn't want to kind of commit to whether any of those matters are currently agreed but

1:32:25

progress has been made and the documents will be updated.

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Just to note, we did agree in the preliminary meeting that a statement of Common Ground will not be prepared with the Health and Safety Executive, as neither party considered that to be necessary.

1:32:41

But we do anticipate that we'll have an additional statement of common ground with goal and an internal drainage board following the conclusion of the consultation on the proposed change, which would submit a subsequent deadline to allow for their time to review and comment on that.

1:32:59

Given some health outcomes, just to add to that, you and your specific question about the DCR and protective provision columns of the table and several commonality and you will have noted that majority of those are the national grid bodies. And the Council, as we've talked through today, and the council considering the draft DCA, I would say on Natural England who and the others, the ssgs that we presented to them, for them to agree that when one was presented them on the basis, based on our correspondence, we'd understood that apart from the wording and requirements have been around B and G they would be agreeing to the rest of this year being agreed from their perspective. Now I say that caveat is strongly by the fact that they haven't responded to that draft, but that we prepared it on the basis that that's what we'd understood from correspondence. So apart from that one element, which is continuing to be discussed with them, Gemini, given where we are with the NG, as I mentioned about the rivers trust, etc, which is part of why it's not yet agreed because I need to understand how it's going to work with one SX.

1:34:04

But otherwise, yes, natural humans make good progress. Thank you. And the other one that was covered by those columns was Environment Agency as well.

1:34:16

I wouldn't know what to speak for the Environment Agency. I'm not sure they'll comment. But I think I would posit that as good progress has been made. Part of that comes down to the fraud risk assessment requirement, of course and then being happy with the contents of the FRA itself as we discussed earlier,

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which I believe is nearly nearly most nearly fully agreed but subject to their final

1:34:38

agreement to that.

1:34:43

Thank you. I'll ask if any of the parties have any comments that makes sense to start with the Environment Agency.

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Chris gone Environment Agency. Yeah, I can confirm that we're we're working in conjunction with the applicant on the statement of common ground. We have many areas that we've already agreed there.

1:35:00

still some that are on discussion for risk assessment being one of them?

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A dispersion modelling, they have been another one as an example. But we are working with the applicant to address those issues.

1:35:13

Thank you.

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Is there anything that

1:35:17

sub District Council and North Yorkshire county council would like to say in those statements of common ground that hasn't already been covered in earlier items on the agenda? Now?

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Is there anyone online who wish to make any comments on statements of common ground?

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No, not seeing any hands.

1:35:45

In that case, we'll move on to Item nine on on the agenda, which is review of issues and actions. I've been taking down the actions from today's hearing, I don't intend to go through them now due to the number of actions but we will be writing those up and publishing them as soon as possible.

1:36:06

And I'll hand it over to Mrs. Jones for next time.

1:36:12

Thank you. Just before we move to close this hearing, are there any other matters that anyone would like to bring to our attention?

1:36:25

Which goes on on the action? Sorry, I just want to be clear that

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I when you say a lot of actions, yes. In terms of drafting amendments to DCA. So the main action is actually an update to develop a consent order, and an update to the explanatory memorandum that

we'll be submitting a deadline to. Yes, that's great. But our action plans will probably list them in a little bit more detail. I understand that. But in terms of there's no other documents you're expecting. It's purely the there are, as we went through today, drafting amendments, the DCO, and E and the expansion memorandum. And those are the core core documents that will contain the individual actions. That's my understanding. I'll just check with Mr. Northover who've been keeping a note.

1:37:06

Yes, that's correct. The only the only other document was the works plans around work number four. Yes, it should we decide that. Yes, exactly. Yes, that's correct. Thank you.

1:37:22

Okay, then I will move to to close this hearing. Just before I do, I would like to say thank you to everybody for contributing so usefully today, and in all of the hearings that we've had this week, they have been enormous ly beneficial to the examining authority, and I hope everybody has a safe journey home. The time is now 127. And issue specific hearing to for the Drax bioenergy with carbon capture and storage project is now closed. Thank you.