

TRANSCRIPT_ISH2_SESSION1_DRAXPOWER_19012023

00:23

Okay, good morning, everyone. Can I just check that everybody can hear me clearly this morning? Can I also confirm with Mr. Harold that the live streaming and recording of this event has commenced? Thank you. For those watching on the live stream, I just need to advise you that should we at any point adjourn. This morning we will have to stop the live stream in order to give us clear recording vials. And as a result at the point at which we commence the meeting and we start the live stream, you will need to refresh your browser page to review the restarted stream and we will remind you of this every time we break. It is now 10 o'clock in time for this hearing. To begin, I would like to welcome you all to this issue specific hearing issue specific hearing to which is on the draft development consent order in relation to the application made by Drax power limited, who we will refer to as the applicant for an order granting development consent for the Drax bioenergy with carbon capture and storage project. The applicant is seeking development consent to instal post combustion carbon capture technology on up to two of the existing 660 megawatt electrical biomass power generating units including the modification upgrade and extension of the existing operators at the Drax power station. Thank you all for attending this meeting. My name is Carolyn Jones. I'm a chartered town planner. I'm a planning inspector employed by the planning Inspectorate and I have been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel to examine this application. I'll now ask my fellow panel members to introduce himself.

02:03

Good morning. My name is Ben Northover. I'm a chartered architect and have been appointed to be a member of the panel to examine this application.

02:12

Together we constitute the examining authority for this application. And we will be reporting to the Secretary of State for business energy and industrial strategy with a recommendation as to whether development consent, whether the development consent order should be made. The case manager for this project is George Harold and he is being supported here today by a tiller boss us. We have Kailyn Atkins and Michelle Gregory providing support remotely, please don't hesitate to contact a member of the team if you need help, either at today's event or with the technology. Can I just begin by asking if there is anybody here today who did not attend yesterday's issue specific hearing one, or the preliminary meeting on Tuesday, either in person virtually, or did not watch the livestream of the event? Just because I can shorten housekeeping matters if that's the case. Okay. Not seeing any hands raised so we'll do the short version this morning. I'd like to remind you that this hearing is being recorded and this recording will be retained for five years from the Secretary of State's decision by the planning Inspectorate. An audio recording of today's meeting will be available on the Drax bioenergy with carbon capture and storage section of the national infrastructure pages of the planning Inspectorate website.

As soon as practicable after this hearing. When you speak please, could you speak clearly and give your name every time you do so? Can I also remind everybody to turn off phones and laptops and switch their notifications to Silent please, we aren't expecting any fire alarms today. So if it do does go off, please exit by the doors at the back. I intend that we'll take a break at around 1130 and lunch at around one if it goes beyond that. And if we are sitting later, we'll also have a mid afternoon break.

04:12

This meeting will follow the agenda as set out in Annex H of our letter of the 13th of December 2022. It would be helpful if you had a copy of this in front of you. The agenda is for guidance only and we may add other considerations or issues as we progress. We conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritise matters, and defer other matters to written questions. Likewise, if you cannot answer the questions today being asked or require time to get more information, then please just indicate that you need to respond in writing. Throughout this hearing, we will be referring to several key documents, which you may wish to have easy access to. These are the latest version of the draft DCO submit By the applicants and clean and track change versions, these have the examination Library Reference of a s 076. And as 077 The latest version of the explanatory memorandum, which is a pp 078. And if there is a need in this meeting, we will be using the latest version of the land plans and work plans which are at reference as 072 and as 073. I'm now going to hand it over to Mr. Northover to go through introductions.

05:33

Thank you, I'm going to ask, I'm going to now ask those of you who are participating in today's meeting to introduce yourselves, when I state your organization's name because you introduce yourself says your name and who you represent. And let us know on which agenda item you wish to speak. For the purposes of the recording, it will be enormously ly beneficial to us if each time you speak throughout the hearing. You could state your name and if and if you're representing someone whom it is you represent, so could we start with the applicant and any other advisors?

06:07

Good morning, sir. My name is Richard Griffiths and partner at Pinsent, Masons LLP legal advisors to the applicant. To my right is Alexis Coleman senior associates at Pinsent Masons. And to her right is Matthew Fox, and associates at Pinsent Masons. To his right is Mr. Matthew stalks Associate Director in planning at consultancy W. SP. And to his right is Mr. Jim Doyle, who is planning consensus manager at Drax at the applicant. We also have available if we need to subject your line of questioning environmental assessment and consents personnel Form W SP should we need to call upon upon them and I'll introduce them as should we need to do that. On the line virtually we have Mr. Steven Foster, from the applicant who is the environmental regulatory manager from contracts.

07:06

Thank you. Can we then move on to organisations and individuals who have expressed a wish to speak and again if you could introduce yourself and let us know on which agenda item you may wish to speak? So starting with Sobey district council

07:27

so Jenny Timon, Selby District Council, Assistant Principal pan officer, and expect to perhaps speak on agenda item four. Specifically, there may be others but not specifically.

07:43

Thank you. North Yorkshire county council please.

07:48

Good morning. Kelly Dawson seniors list of North Yorkshire county council to my left I'm accompanied by my colleague, Michael Reynolds, who's the Senior Policy Officer for North Yorkshire county council. There's no specific agenda item but we perhaps expect to maybe depending on the SIS the examining authority throughout the agenda today.

08:09

Thank you. And the Environment Agency. Monitor on is Chris gone from the enrollment agency and the regulatory officer for Drax power station. On the call. We have my colleague Matt Wilcock from our sustainable places team. Here to answer general questions that into the Environment Agency, but I guess more particularly around the statement of common ground.

08:38

Thank you. Max. Could we have biofuel? What? I have your watch, please.

08:45

Yeah, Casey well for biofuel watch. No specific agenda items just in case mussels arise. Thanks. Sorry. I'm Mary Dickinson to my left. Thank you.

09:00

And do we have Mr. Boozman from just transition Wakefield?

09:05

Yep. Stuart movement here from just transition. Wakefield. No specific agenda items, but

09:10

possibly seven. Thank you. And Mr. Hewitt. James here Good morning, those specific agenda items, I'm independent. Thank you. Okay. Now, could I ask if there's anyone else in the room today who wishes to speak? And if so, introduce yourself and which agenda item you may want to become? I'm not seeing any hands. So I'll move on to virtual attendees. Again, if you could introduce yourselves and let us know if you wish to speak speak on a particular agenda item. So I believe we have national grid carbon limited.

09:58

Good morning. Yes, sir. John McNamara. I'm a solicitor at BDB Pitmans. I'm here representing National Grid carbon limited. In terms of agenda items, I suspect. We will have one or two comments to make in relation to items four and five.

10:22

Thank you. And Mr. Gorn mentioned we have Mr. Woodcock on the on the line from the Environment Agency. Would you like to introduce yourself? Good morning. My name is Matthew Wilcock, I'm from the Environmental Agency Planning Specialist.

10:41

Yeah, no specific part of the agenda we're likely to comment on but we're obviously happy to exist, assist the examining authority throughout.

10:51

Thank you. Thank you, until we have Mr. Challenger. online as well. Mr. Wilcock, if you could turn your camera. Thank you.

11:04

Yes, I do. Michael challenger, independent of any set myself. I don't wish to ask any questions as things stand at the moment.

11:22

Okay, thank you. Is there anyone else who wishes to speak? This doesn't preclude you from speaking later, if you wish to respond to any comments made by any of the parties? If not, that concludes this agenda item and I'll hand back to Mrs. Jones. Thank you.

11:41

Okay, I'll move on to item two, which is the purpose of this issue specific hearing. Today's hearing is to consider the draft DCO. The draft DCO is an important document. It is a draft piece of legislation which if the secretary of state decides to grant development consent forms the legal basis for the delivery of the proposed development. It sets and secures the standards to which the development must be constructed. And it secures the environmental performance of the development, ensuring that it does not exceed what is described in the Rochdale envelope assessed in the environmental statement. This hearing is being held on a without prejudice basis. So even if your position is that development, consent should not be granted. And therefore that the Secretary of State should not make the draft DCO. You can't make representations in this hearing on the drafting of the DCO without conceding your wider position that it should not be made. So those of you participating today can make comments that affect how the DCO is drafted, for example, relating to requirements, which are the equivalent to conditions on a planning permission, you can do this, even if your position is that the DCO should not be granted. It is important for the examining authority, because we are under a duty to provide the Secretary of State with the best drafted DCO that we can, even if we end up recommending that the Secretary of State should not make the DCO. This is because we do not decide these applications, we make recommendations to the secretary of state and they make the decision. So even if our report were to recommend that the development consent should not be granted, we would still append a draft DCO ensuring that the Secretary of State can decide to make one if he or she wishes. Does anybody have any questions on what I've just said? Okay, and that case, we'll move on to Item three, which is articles and schedules. I'd like to start with the first two bullet points of this agenda item and ask the applicant to

give us a brief overview of each part of the draft DCO. And also, if you can highlight any changes that have been made since the original submission version so that everyone can follow those changes. But as stated, We will come on to schedule 211 12 and 13 a little bit later on in the agenda. So there's no need to repeat anything under this agenda item.

14:09

Thank you, Alexis Coleman for the applicant. I'll give the overview of the order. It's based on revision for a s 076. The audit has been drafted having regard to payments guidance, best practice and precedents established in other made DCIS. In particular energy DCS includes 43 articles divided into seven parts and then 14 schedules which are given effect by or tie into the articles. The draft order is proposed to be called the Drax power station bioenergy with carbon capture and storage extension order and is drafted to consent the construction operation, maintenance and decommissioning of the authorised development as described in schedule one. Article Two of the order sets out the definitions of terms used within the order. Part two of the order sets out the principle powers including granting the undertaker consent for the authorised development As constrained by the order limits and numbered areas shown on the works plans, this part of the order also authorises the maintenance and operation of the authorised development. Article Six and seven give the benefit of the auditor Drax, and to other parties for specific work numbers, or another party may undertake the authorised development. It also sets up provisions relating to the transfer of the benefit of the order. Article eight this applies actually statutory provisions including sections of the land drainage act and provisions of the neighbourhood Planning Act 2017. This article also does applies to legislation listed in schedule three were incompatible with the powers contained in the order. Article eight also deals with the overlap of the audit and other operative consents for the existing Drax power station in order to provide clarity from enforcement perspective for the local planning authority. And the article also deals with the extent Drax power generating stations order 2019, confirming that the undertaker won't commence works under that order from the date that the next audit takes effect. Part three of the order provides a suite of powers of motion to streetworks including carrying out street works within streets, altering the layout of streets creating accesses temporarily stopping up public rights of way and entering into agreements with street authorities. These provisions give effect to schedules four to seven. Part four contains supplemental powers link to discharge of water, given the authority to survey investigate land and removal of human remains part five of the order other powers of acquisition or temporary possession. These include powers to compulsorily acquire rights in land to extinguish rights and land or to take temporary possession of plant. These articles relate only to the order land as shown on the lands plans. There are also standard provisions relating to compensation payable to affected persons, and powers motion to land and apparatus of statutory undertakers. And these articles give effect to sheduled, eight to 10. But six contains powers legend operations, and these include providing power relation to trees which need to be removed or locked, and for hedgerows to be removed in relation to the scheme and protected works to buildings. Part Seven includes various miscellaneous or general provisions and these cover article 34, which provides for protection for statutory undertakers through the protection provisions in sheduled 12 articles 35 and 36 provide for her landlord and tenant law applies in relation to the order the order land will be operational and for the purpose of the Town and Country Planning Act of 1990. And then articles 37 to 43 include provisions relating to defence to proceedings in respect of statutory nuisance, certification of plans and documents relevant to the order service of notices under the order received in relation to approvals required under the order arbitration guarantees in respect of

the payment of compensation, electronic communications and crown rights. Then the board has a series of schedules one three to 14, and each schedule identifies its operative article in the order in the top right of the schedule. So it schedule once it's at the authorised development and the works numbers in that schedule align with the numbered areas on the works plans. Work Number one is the end CIP being a carbon capture plant and as an extension to an existing generating station, and then works number two to eight at the associated development. I can expand upon those works numbers, if that's helpful, or

18:28

if you think that would be helpful now,

18:30

I can give a brief overview of what Thank you. Yeah, so work number one. This is comprised of the works to modify and upgrade different components of the existing generating station, such as the water pretreatment plant and cooling water system. Work Number One also includes works to upgrade, modify and extend existing boilers and turbines. And we're number one D is the carbon capture plant itself and the remaining elements of work number one, a carbon dioxide processing and compression plant and integral electrical connections. And that was the focus of the presentation that Jim Doyle gave yesterday. two to eight associated developments so work number two is the infrastructure to transport compressed carbon dioxide nor to connect into the national grid carbon limited pipeline, comprising of the new carbon dioxide delivery terminal compound and pipeline or just simply the new carbon dioxide delivery pipeline. And we explained there was an explanation around that yesterday. But number three is supporting work such as pipelines drainage modification to existing precipitators cable connections, Hard and Soft landscaping and internal roadways. Work Number four is works to facilitate construction access for the other works numbers, includes road modifications. But number five is temporary construction lay down areas including parking, lay down areas for storage site and welfare offices. Work Number six is the habitat provision area including soft landscaping by Diversity enhancement and means of enclosure work. Number seven is works creating floodplain compensation area. And works number eight work number eight is works to facilitate the delivery of abnormal divisible loads including diversion of existing electrical and telecommunications overhead lines. And then there's at the end of chapter one further associated development including things like drainage works, utilities hardstanding and hard landscaping, biodiversity measures, security measures, site preparation work, sort of thing. So sheduled two we'll we'll go through in the later Agenda Item, that's where the requirements are set out. sheduled three sets out legislation to be disapplied. In relation to railways drainage and utilities in the vicinity of the order limits. shedule four sets out the streets that are subject to streetworks by reference to the access and rights of way plans, and that relates to Article Nine shedule five sets out the streets that are to be temporarily altered in part one and permanently altered in part two, by reference to the access and rights of way plans is shared relates to articles 10 and 11 of the order. Schedule six sets out the location of the public right of way to be temporarily stopped up, and it references the access and rights away plans as well and relates to article 12. shedule seven sets out the Temporary means of accesses to work and permanent means of accesses to works, and it references the access and rights of way plans and relates to article 13. Then schedule eight sets out the areas of land over which only new rights may be acquired by the Undertaker and the nature of the rights that may be acquired. The plot numbers in column one of that table correlate with the relevant

plot numbers shaded blue on the land plans and the nature of the rights in column two explains the purpose for which rights overland may be acquired and restrictive covenants in post. And that relates to article 20 of the order. schedule nine modifies existing compensation legislation including the Land Compensation Act 1973. And the compulsory purchase act 1965. schedule 10 set that land of which only temporary possession may be taken pursuant to Article 28. I think it is. This land is shown yellow on the land plans and the purpose of the temporary possession is described by reference to the relevant work numbers and corresponding Wurtsmith 26. Sorry, is the reference for that article schedule 11 sets out the procedure for discharge requirements. And we'll cover that in the later agenda item as well. schedule 12 is protective provisions. But I can give you the update of those protective provisions in the subsequent agenda item on that one. Schedule 13 lists the documents that the undertaker may have certified as true copies by the sector of state pursuant to Article 38. And finally, schedule 14 relates to requirement to which requires that the authorised Development Development must be carried out in accordance with the parameters in that schedule. And those parameters have been divided into three parts. Part one beam design parameters associated with the carbon capture plant field unit one. Part two is the design parameters associated with the carbon capture plant for unit two. And part three the design parameters associated with the common infrastructure required for both the carbon capture plant for both those units. And then my colleague, Victor Gryphon, is going to go through the changes since the submission version of that this year.

23:27

Thank you. The second part of your question was the changes that the applicant has made since the submission version of the order, the submission version of the order was identified as revision one, we're now on Revision four, as you pointed out at the start of this hearing. So revision two of the order was in respect in response to your the examining authorities section 51 advice. And that amendment comprised corrections to certify documents schedule, 13, and amendments to plot numbers in schedules eight and 10 to rely on the book of reference. The next revision is revision three, and we updated the order to take into account responses to relevant representations, including amending requirements it's scheduled to to secure additional measures contained in the register of environmental actions and commitments with respect to detailed design provide for consultation with the environmental agency with regards to the construction environmental management plan, ground conditions and the decommissioning environmental management plan. We also included measures in the decommissioning environmental plan to match up with the register of environmental action to commitments so the to align and we also provided the Natural England is consulted on the construction environmental management plan in respect to soil matters. And then revision four of the DCO which is the order that is the most up to date, the the current version, which we will be looking at today. And and incorporates the changes made relating to the proposed change application that the examining authority has accepted. And those changes in summary include an amendment to Article Six, to reflect the additional work numbers eight A and eight B in respect of the overhead line undergrounding, and the undergrounding of telecommunication line, and those are being diverted or under grounded as a result of those new works. And Article Six gives the benefit of the order to do those works to the owners of that apparatus. Articles 1011 had been amended to spit out schedule five alteration of streets in order to allow for both temporary and permanent alteration of streets. And article 13 has been amended to allow for both temporary and permanent means of access to works, reflecting the amendments in schedule. Seven. We've also included the standard crown REITs article, which has been added at article

44 As the Secretary of State for Transport has ownership of part of the auto lands following the proposed change application. As a result of those changes, such a one has been updated to add in work numbers seven, eight A and eight B which relates to the the flood compensation area, and the diversion of the overhead line and transmission lines I've just mentioned sheduled two has been amended to incorporate those new numbered works. And they've been added to requirements relating to landscape biodiversity Mytek and to ensure they're captured by those respective requirements. We then amended schedule five. As I've mentioned, articles, articles 1011. So that's sheduled five has been split into two parts for temporary and permanent alteration of streets. And so sheduled seven has also been split into two parts to reflect the temporary and permanent means of access. amendments have been made to sheduled eight to include additional plant plots for which new rights may be acquired in connection with work numbers eight A and eight B, which is the overhead line and telecommunications line undergrounding. And then sheduled 10, which is temporary possession has been amended to include those additional plots that own over only which temporary possession is required in respect of work number eight. And then finally, we've also amended sheduled 13, which is documents to be certified to reflect the reversion further revisions to certify documents that we've added into the examination following its acceptance.

27:48

Thank you very much. That's really helpful. Does anybody have anything they wish to comment on what they've just heard? So the examining authority now have a range of questions that we would we would like to ask and I intend to go through them in the order that they appear in the draft DCO. But if anybody does have any comments or questions relating to specific topics, and just let us know, either in the room, or virtually with the hands up function on teams. So I'd like to start with Article Two, and the definition of commence the definition of commence excludes permitted preliminary works, which are also defined in Article Two. Might there be any implications if these works were to take place before the relevant planning authority has proved details of measures to protect the environment under the requirements?

28:51

We've Richard group is on path the applicant story. We've carefully looked at the What Works should be incorporated into permitted preliminary works on the on EIA basis, and the works identified in little a to little g, we are confident that those works from an environmental perspective will not give rise to adverse impacts that need to be controlled by the requirements and hence they've been carved out of of the definition of commence.

29:31

Additional points that's right. I'm Matthew Fox and the applicant Why would Nate is that the notice through the schedule two that we dotted for the relevant requirements kind of amended a Deaf definition commence as it is in Article Two for the relevant requirement. So as an example, in the archaeology requirement, where we say each of the number works must not commence, including permitted for memory works comprising intrusive archaeological surveys. So where we felt in Destiny To be protection for specific elements of those PP, WC acronym, we have included them within the requirements. So taking Mr Griffiths point and that we feel that there's sufficient protections when they need to be put in place for those permitted plumbing works.

30:14

Thank you, Mr. Fox. Yes, I noted that, with regards to archaeology, would anything like like clearance works, which includes vegetation removal and demolition, might, those words themselves give rise to environmental effects in terms of noise impacts or impacts on protected species?

30:34

Mr. Fox on behalf of the applicant, so whether that's the case, and site clearance has been included in the works, that needs to be subject to a camp before they happen. So the camp constitutes most of the construction management measures including relation to noise, ecology, etc.

30:53

But they can't wouldn't be approved before the preliminary works.

30:58

It would be approved before the site clearance because it's been included within the definitions of what must be. If you look at requirement 14 says no part of the authorised development must commence, including permitted preliminary work comprising site clearance until it has been approved.

31:15

Okay. Thank you understanding that you're saying that you don't believe that there was pulmonary works would give rise to any new or materially different environmental effects? Should it be caveats it should the wording include that should it be caveated with that wording provided that they don't give rise to any new or materially different significant?

31:38

We would we would argue no, because that's mechanisms that we've drafted. As has been outlined, we've carefully gone through a too little g. We've carved out on the basis of the environmental assessment and then the where there may be may give rise to environmental effects we then carved the definition or permitted plumbing works are part of permitted permitted permitted works out of the definition of covered them are included them in the requirement as outlined by Mr. Fox. And then certain documents such as the camp have then cannot be approved until those permitted preemie works have been authorised. So taken together with all those safeguards, we don't think there's any need for any further control over the definition of permitted plumbing works.

32:27

Thank you. Do either of the councils have any comments they wish to make on the definition of permitted preliminary works and the definition of comments?

32:43

At any time in Sabah District Council, a similar point was picked up by salby. District Council in terms of the definition of commence and the permitted preliminary works. It is something that we're sort of continuing to look at at the moment. So I don't have any comments specifically now, but it's something that we're looking at. And perhaps if we have comments, we could comment, deadline one.

33:04

Mr. Olson, is that a similar case for you?

33:12

Canada's of North Yorkshire County Council, the relevant client departments in the specialist areas are continuing to work through it alongside doing the local impact report so akin to sell be effectively that we would expect to make any submissions alongside deadline one as part of that, and draw them out through that process.

33:31

I think that that would be helpful because I think subject to potential changes in the timetable, the applicant is intending on doing an updated draft is your deadline to so it would be helpful if there were any comments for the applicant to have to have them before we get that update? I'm just carrying on on with this, the definition leads us to Section 155 of the Planning Act 2008 for the definition of a material operation, this states that a material operation means any operation accepted operation of a prescribed description. Could you assist me with what an operation of prescribed description is?

34:15

So I can repeat the question. So

34:17

the definition leads us to Section 155 of the Planning Act for the definition of immaterial operation. And that states that a material operation means any operation except an operation of a prescribed description. Could you just assist me with that in relation to this please?

34:44

Best photograph of the applicant just as a reference check do you do I think in the order we refer to Section 56 Four of the TCPA beam that's for you.

34:55

meant sorry, that is what I meant. Yes.

34:58

So the my understand thing of session 56. Four is when it says refers to

35:10

prescribe for the purposes of subsection that's referenced that's in 56. Five, which is material management that is prescribed I prescribed by the government, by statute instrument pursuant to this section. I think we'd have to check if any such such such instrument has been made. Okay, in writing after this

35:34

time, thank you.

35:42

Just staying on Article two limits of deviation, this is something that we pointed out in our section 51 advice, actually, where we've got we've got a definition of limits the deviation but limits of deviation aren't defined on the plans. Should is it just a mistake should that be in here?

36:05

Which group is on behalf of the applicant, the definition limits of deviation means the area up to the edge of the area shown for each numbered work. So you look at the the works plans, which has then example an area hatched purple, and syllabus deviation are literally right up to that edge of of that purple hatching?

36:22

That's what that's what you're that's what it means, meaning, sometimes plans do have limits of deviation on them as well.

36:29

I mean, we can think it's pretty clear from the definition and what it means when you look at the works plans, which when you read the order, and then look at the works plans and you see a work area identified as work one a for example. And then you read the limits deviation means the area up to the edge of the area shown for that numbered work. So that would mean the corresponding area up to the very edge of that. That's why we didn't make the amendment following section 51. Advice. Okay.

37:02

Thank you for explaining that. And turning to the definition of maintain. Within this, it states that it includes activities, which do not give rise to any materially new or materially different effects, which are worse than those assessed and the environmental statement. Isn't the term worse? A bit subjective.

37:28

Which was on behalf of the applicants? No? Well, I mean, the we've added in the reference, which are worse than because we think it would be odd, if you simply said give rise to any materially new or materially different environmental effects and those assess the environmental statements is that would preclude maintenance that gave rise to a benefit that was materially different or materially materially new or materially different from the environmental statements, which we think would be a perverse reason to carve it out. So you obviously have in EIA terms, been effects which are positive or negative. Surely the definition of maintained should only prevent those changes that are in the negative. So we think worse, yes, it's a judgement call between us and the planning authority as to maintain maintenance of what might give some give rise to worse environmental effects, looking back at the EIs, as a planning judgement call between us and the and the planning authority. But I think we deleted the phrase worse than your precluding benefits, which we'd consider to be an incorrect way to proceed.

38:38

So who decides what is worse, because this is maintenance, so it isn't something that you're applying to the planning authority to do.

38:46

So the it'll be down to the applicant, in carrying out its maintenance regime to be mindful, that is controlled by the development consent order. And that if it did anything in its maintenance regime that gave rise to environmental effects that were worse than which, that's not the point of maintenance, of course, the constant improvements technology advances means that by carrying out maintenance, you improve effects at the add on technology, but it will be down to the applicants, mindful of the fact that if it breached the order, which of course, by doing something that made effects worse, would be a criminal offence enforceable by the authority. So it is a policing by the authority but of course, by the applicant, but of course the planning authority is ultimately responsible for ensuring compliance with the order. Okay.

39:39

Thank you. Do either of the councils have anything to say in terms of the definition of maintenance?

39:48

Clean teen rather sorry, at any time and cyber District Council? I'm afraid I'd have to take that point away and provide written comments

40:06

Richard Griffiths and I would add, we just double checked with the definition on repower the order, authored also by effects the site. And the definition is exactly the same that we agree with the authorities when we power as in, we've proposed here, if that's helpful to the authorities and yourselves.

40:24

So they read power use the same wording used worse? Correct? Thank you.

40:41

Just a matter to note, you have an outline, outline lighting strategy in the DCO. But in the submissions, it's called the draft lighting strategy. And that's how it's listed in schedule 13. So I think it's just a slight correction.

41:02

Yes, thank you. We will, we'll check that the draft,

41:07

I think draft lighting strategy is what it should be. So it's correct. And scheduled that team but not correction definition. Yeah, thank you.

41:20

And just just something else to be aware of, we do know don't be that the new North Yorkshire Council will officially start on April, the first. So it's just something to be mindful of in your in your drafting once.

Once we passed that date, then obviously the relevant planning authority will be the North Yorkshire Council and we won't have the two separate councils.

41:47

Yes, no, we are obviously you're aware of that. And we're discussing terminology with the authorities to ensure that posts that change that the order reflects the the new position. Thank you.

42:06

And again, just conflicting titles of reports, surface water drainage strategy report, this is titled proposed surface water drainage strategy in the submission.

42:26

Just if we can ensure that they correlate.

42:33

So you're asking for the different words posed to go in front of surfers?

42:37

Well, it's just called proposed surface water drainage strategy and the submission is not called the surface water drainage strategy report, this division of reports so that everything ties up. Okay, that that, that all the points I had for Article Two does Does anybody else have anything they wish to raise on Article Two? Know, the facts.

43:07

Just before you move on from Article Two, I've just checked the legislative history of that point on Article 56, four and five. And there has been no legislation learned which prescribes certain types of elements, which isn't.

43:21

Thank you. Thank you for checking that. Okay, in which case, the next article that I would like to go to is Article Six. And this relates to consent to transfer the benefit of the order. Just to confirm really, is this an either or transfer

43:50

Richard Griffiths on behalf of the applicant, so the whole of the order is for the benefit of the undertaker. But we recognise in respect of certain work numbers, which you've identified in in Article Six at work one F, which if I go to go to shedule, one of the order at work one F is the is the electrical connections and upgrades effectively to National Grid substation. We recognise that the audience of the person that may be better placed to undertake those works would be national grid. So hence they've got the benefit. So we'd either either we would undertake them or following discussions for National Grid day would undertake them in which case we would transfer the benefit of work one F and the relevant powers in the order to national grid. And then work number two, which we discussed yesterday, which is the above ground station, that would either be again National Grid carbon or the untaken more likely to be National Grid carbon, but of course we're too early to confirm that categorically. So and then the

final one is the, the ATA and eight B diversions for the overhead line and the telecommunications line. And again, either we would do those works for in discussions with those Undertaker's or they would do them. So it would be an either or. But I think it's too early to to categorically write that into the order now because we haven't finalised those details and the contracts aren't in place with those relevant people yet to do those works. And it may be that some are done by us and some are done by the other party. So hence, it's it provides that flexibility for us to either hand over the whole power or we carry out some of those works and then transfer the power Well, if you can protect the overhead lines, once they're underground did that that'd be the was fed, obviously responsibility of the relevant industry undertaking their industrial to take powers, so it wouldn't be envisaged that we would then unmaintained any of those still the assets of those Undertaker's.

46:00

Now there are no ca implications

46:04

of that.

46:06

In, in what

46:08

terms of transferring the benefit of the auditor to the parties to carry out the work, there's no ca

46:15

with the CA additionally ca aspects is in respect to 80 You need to be which is the undergrounding of the lines. So we would those the necessary rights are needed to underground for those overhead lines. So as the order seeks the acquisition of rights underground for the overhead line and telecommunications line. So there in terms of implication of compulsory acquisition Yes. Because the order, if it's granted authorise that compulsory acquisition, which then we would either exercise those ca powers or the relevant stuff the undertaker would excise those ca powers pursuant to the order. But they're statue Undertaker's because they are. Northern power grid, for example, for the overhead line.

46:59

Okay. With respect to the other powers, one F and two, no,

47:05

thank you. I think if I'm honest, the way you've explained that, that to me, makes more sense than what we currently have in the explanatory memorandum. So I think that perhaps, if we could have an amendment to the explanatory memorandum, which just explains that in a little bit more detail.

47:19

Yes, we will expand on Article Six, explanation at four point 10. Thank you.

47:31

Okay, I'm going to move on to Article eight, which is the application and modification of statutory provisions. Article 816, to modify a number of legislative procedures. I would have expected the explanatory memorandum to provide clear justification for the inclusion of such provisions in the particular circumstances. Could you just run through each of these please and provide us with with with such a justification,

48:01

which give us some path that begins I mean, I think the for my explanation manager does provide justification at paragraph 4.4, point 14, through to paragraph four point 20. But in respect of eight, one, little a and little b. That's in respect to the land drainage Act, the relevant drainage, internal drainage boards are content with that exclusion, as they have the control under Article 15, subparagraph. Three, requirement 10 of the service water drainage strategy requires the IDB also to approve documents. And then the principle of design that is secured by the register of environmental commitments. And the camp also contains controls in respect of service for the trainer to with those three, either articles or requirements and documents. The IDB is happy with the modification and we're covering that in the statement of common ground with them. In respect of little See, that's in respect of legislation, that historic legislation that we through our diligent search has identified and of course, with historic legislation, it's very unclear as to whether or not it may or may not apply to the order land. We consider that given searches identify those three pieces of legislation, they should be disapplied for the benefit of the project before you and then the neighbourhood Planning Act in little D. Again, as we set out in explanatory memorandum, and as I'm sure you've heard numerous times in examinations, or the neighbourhood planning act 2017 in respect of temporary possession has not come into force yet. And despite various commencement regulations, they haven't implemented the temporary possession aspect of neighbourhood Planning Act 2017. So, our rationale for just applying those provisions of neighbourhood Planning Act is that we need certainty Yes, the process, and we don't have certainty as to the regime that there'll be applied on to the neighbour Planning Act until those commencement regulations and more detail has happened. And therefore, we consider that the tried and tested process in other previous made orders and Transport and Works Act orders should prevail, able to provide a clear process. So that's our reasoning for the neighbourhood Planning Act. And then on to as per also, this is a mirror article that we agreed with the authorities on the repower develop consent order 2019. Given the complex history of the planning, over the Drax, power station sites since 19, since the 1960s, it's applicable, it's irrelevant and required to exclude any concern signs of planning acts as we've defined or the Electricity Act 1989. Where there may be inconsistency in the death in the construction of the Becks plant at Drax over any previous consents on the same land area. And that wording is as we agreed with your thoughts is back in 2019.

51:39

Thank you, just going back to them, if we could just not use acronyms just for the basis of this other people in the room don't know is the IDB is internal internal drainage board, which is you know, that's fine. And under Section 150 yards, they're one of the bodies that must provide consent. You're planning on doing that through the statement of common ground? Is that correct?

52:02

Yes, we're about to enter into the state of common ground with them aware there that consent will be recorded. Thank you. I know. They're happy for the reasons I expressed earlier.

52:11

Thank you for confirming everything that we've talked about an article eight two, we also got article eight, three, which also relates to the drugs, repower the relevant content. Can you just explain to me what is meant by to the extent already commenced?

52:38

I can confirm that the applicant has not commenced the Drax power generating stations order 2019. I mean, that's I think wording that we would always put in place in respect to a planet mission that is currently you could implement just in case which of course it's legally entitled to to implement in case there was anything in there that they wanted to carry out, which might be helpful for the next project. But I can confirm that knew that that order has not been commenced as of as of today's date.

53:15

So this, the wording is basically is ensuring that if if for some reason that work has commenced before you would commence this, that those weeks would stop.

53:28

So yes, exactly. So just so it's actually greater protection for all parties is that should the applicant between now and if the Secretary State granted the developer consent order commence works some preliminary works, for example, under the the Drax, power stations, abstracts power generating stations order 2019, then should this order the next order be granted and on that data was made? The applicant would have to stop work under that order. discharge any requirements required under the Becks order and then restart under the next order. So it provides clarity as to the relative league position.

54:16

Thank you, Mr. Griffith. Did the council have any comments they wish to make on on the wording of eight 3k

54:22

doors

54:33

of North Yorkshire county council. In principle, we're content with the word proposed.

54:43

Thank you, Miss Dawson. That's all I had on Article eight, in which case I'm going to move on to part three. Article Nine, three, if we can go to that please. And Could the applicant just explain this in a little more detail to me and why this is needed for this DCO?

55:21

Mr. Fox on behalf of the applicant? I think the the answer to that is essentially, as you'll see on many other JCOs, there are normally quite complex interactions between way TCAS are drafted and not use the acronym new new roads and street works x 91. Will nurse where is it sometimes known. And I think that provision in nine three is be clear that those provisions within that 91 Act or nurse were applied to anything that we do. So it's just making clear, especially for the local authorities that that kind of use your way of doing things, from a nursery point of view, apply to the work that we're saying that we can carry out under nine one.

56:05

Thank you in that and you don't think this should be included in as scheduled 12?

56:15

One simple stretch of 12 is sorry.

56:22

And no, because Because essentially, the protections of the 91 Act are kind of the standard way of doing things and they continue to be the standard way of doing things. Kind of protected revisions would be going away from that third way of doing things essentially.

56:37

Thank you. Article 10 Or, and this is for the council's the general power in article 10. Two is subject to article 40. And this gives a timescale of six weeks. Just really a question have has the applicant engaged with you on this timescale? And as the Highway Authority? Are you happy with that timescale?

57:11

Kelly Dawson of North Yorkshire county council, we are actively engaged with the applicant timescales throughout the DCO is something I'm in the process of getting specific instructions on where they appear throughout the DCO. And again, that is something that we expect to be able to come back on by deadline one, okay, where agreement is or can't be reached. And I believe it's ongoing through the statement of common ground as well. Yeah.

57:34

And do you obviously want to put something interesting on or the applicant and yourselves? Are you in discussion about these things as well? It's not just something you're gonna put to us. Are you? Are you in discussion with the applicants on this?

57:49

We can continue with Kelly Dawson for North Yorkshire county council, we have exchanged emails at an earlier stage. Obviously, at this current moment, I'm drilling down to the very minute shy instructions, and particularly looking at timescales and the acceptability to the authority that we can do. And we have exchanged preliminary emails. And I think that's something we can continue to do so with the applicant in the run up to Deadline one, so that we can assist the examining authority as best we can, with a finite position for the authority by that point,

58:23

that would be most helpful. Thank you. Okay, I'm gonna move to article 11. Just a very minor point, there is a typo, I believe in 11. One, I think that should say, temporary alterations rather than alternations.

58:50

Article 12, which is the temporary stopping up of public rights of way. There is only one public right of way in schedule six to be stopped up. So in that case, does article 12 need to be as broad as it is.

59:23

Richard Pearson probably I presume you're referring to the general, the general part of the article? Yes. Why do we need a genuine act? Why do we need the general part

59:36

to apply to all rights away? Whereas, you know, there's only one that you

59:40

want? Yes, I mean, this is not unusual, of course, that most orders do contain a specific art part of the article that applies to identify property rights away, which may need to be temporarily closed or indeed permanent closed. And these are those white clearly identified and then there's a general rule Part of the article that applies the respective that that applies just in case during construction, something else may arise that you don't want to impede the construction of the project. So whilst through our understanding of the construction project, we've identified a new one, and that is the that for the best of our assessment to date. It is good practice and I think necessary to not impede testing at the construction to not to, to not provide for the generality part as well. That's standard across all decent most CCOs that's why that's there.

1:00:39

Now, I don't think the explanatory memorandum quite describes it in in that way. So perhaps there could be some amendments to the wording and the explanatory memorandum. Well, we'll

1:00:48

have a look at the explanation should be provided in four point 20/24 explanatory memorandum and if we will, and then expand on that

1:00:55

thank you.

1:01:09

I am going to move on to article 16. The explanatory memorandum for article 16 refers to instances where consent is required. Again, the power in his article is absolute. An article 40 does not appear to be engaged Can you clarify that please?

1:01:57

Which agree was on behalf of the applicant. So just refreshing my memory of the vital 16. So there is a consent aspect to article 16. For example, 16 416 four which says no child holes, as you made on this article, land located on the highway boundary without the consent of the highway authority or in a private street without the consent of the street authority. So that's where article 40 would be engaged.

1:02:36

Should article 16 refer to article 40 And in that case?

1:02:52

Article 41 states where an application is made or requests made over consenting authority for any consent, agreement or approval required under or contemplated by any provision disorder, such consent, it goes on. So article 41, I think on its face of it clearly, clearly apply. So the order has to be read as a whole. So if for 740s 40 subparagraph seven, defines a consenting authority, which includes the higher authority street authority, which the two terms used in article 16 For so I would say we don't need to explicitly make it clear that article 40 applies when you read the order as a whole article 40 applies.

1:03:36

Thank you for clarifying that.

1:03:47

I'm going to move to article 18.

1:03:54

The strategy memorandum and explaining this article refers to Section 18. Sorry, 81. The explanatory memorandum refers to Section 158 of the Planning Act. And I know another DCO is similar articles do refer to that. It doesn't really tie up the exposure and random refers to those parts of the Act but the article itself doesn't refer to the act and similarly with 18 Four a the explanatory memorandum explains in relation to Section 152 But again, that's not within the wording of the article.

1:04:43

I will I can I'll have our take that away and have a look see whether we consider it appropriate to cross refer to those sections in the in the actual art section draft and article drafting. Thank you Mr. Gracia.
Acceptable

1:05:00

Okay, moving on to article 20. It's more so with the explanatory memorandum rather than the DCO. The examining authority, authority would like a more detailed justification of the general power to impose new rights over the old land. We don't feel like the detail the next boundary memorandum is sufficient at the moment. So we're really just asking for a more detailed justification within the explanatory memorandum with regards to article 20.

1:05:50

Yes, we would take that away and have a cigarette, maybe we we will, we have I'm not sure to highlight this now. Appreciate it's not the compliance acquisition hearing. We have identified in the order that we want to make some amendments to ask or probably article 20 In Article 21, and the corresponding shedule at shedule. Eight in to make and to make it clearer, and match up better with the land plans, particularly the green, the land identified green on the land plans were only rights are being extinguished. So we've haven't revisited the order we consider there's some improvements we can make to explain that I which ties better into the expansion Miranda. And so we're looking at that point, in conjunction with our other amendments to articles 20 and 21. And, and the EM expansion memorandum, sorry, which will submit a package at deadline to

1:06:48

and that will be helpful, my next point was actually going to be along the lines of some of the some of the wording in the column. And column to schedule eight, for example, is quite vague. So the rights to improve accesses, for example, I think for us as the examining authority, we would expect to have an explanation as to the rationale behind what you mean by a right to improve access, because that could mean any number of things.

1:07:23

Really just asking for a more detailed description of what you what you mean by and what the rationale behind seeking to require those rights for something like that is?

1:07:34

Okay, well, we'll take well, we'll take that away. And look at the wording. Of course, there was danger of making it super descriptive. At this stage of the projects when we haven't appointed a contractor. When we're a year or so off from from from start commitment or construction, so we have to be mindful, that wording is going to be fairly broad, because we can't and we can't pin down precisely what improvement entails. So there was a balance to be struck here. We will look at it. Of course, we're also constrained by the works, work numbers. That's what you're that's what's been granted consent and environmental statements. If we consider we can expand on improve access, for example, we will but I I'll just put on record now that we are mindful that we are quite a long way from commencement construction, we don't have a contractor appointed and I think be wrong for us to try and drill down to that date. While it's impossible for us to draw down that detail. The right we're seeking is in the example given to improve that access, which could be wide, widening the access in accordance with the with the with the IEs in a particular location. So I think we just need to be mindful of, of the constraints that we're under in terms of not precisely knowing the construction methodologies.

1:08:52

And I would just add to that, Miss Fox and part of that because the approach is very similar to president's and in fact, I would argue compared to some other categories of schemes goes further than than others. If you compare to, for example, national highway schemes say exactly what Mr. GRIFFIS has said but also just point out is kind of matching precedent.

1:09:12

Thank you Mr. Fox.

1:09:20

I'm going to move to article 26 which is the temporary use of land for constructing the authorised development. The notice period for this appears to be very short. Can you justify why only 14 days?

1:09:53

average person, probably applicants, but we consider that to be more than sufficient and apply periods to provide 14 days notice template possession and this project is pretty small. The majority of it has been expanded as a result of the post change application that relates to the overhead line and telecommunications line where there are specific temporary possession plots. Given the consultation, the project's communications with landowners, none of this is a surprise. So to keep the programme, we consider that the 14 day notice period is acceptable course is also pretty standard in most orders. I appreciate that the neighbourhood Planning Act does require a longer period. But again, that in our view, would restrict the applicant flexibility and how it exercises the temporary possession power must remember why the temporary possession powers here it's where we want to minimise our use of compulsory acquisition to go on the land to identify either where we're seeking the permanent rights. So for example, in the overhead line undergrounding we go on the land under the temporary possession powers, do the assessments to where the cable would go. And then we identify that location and then you exercise the compulsory acquisition on a now a plot. And if we we'd wanted to certainly as possible rather than having a delay in the process through notices. So our view is that 40 days is more than sufficient. Given the a the small nature of the temporary possession required in the scheme, and be the majority of it is worthy work for work number 18 HB which is statue undertake, which is the overhead line and telecommunications cable. Thank you.

1:11:46

Sorry, I misspoke some parts that we can just add to that, that the dispersion needs to be seen in the kind of wider context of the comps that would be taking place with London is a more Germany with stakeholders As the project progressed. And in the Riak, which has measures which would then be in the camp secured by the order item G five, there's reference to the development of a stakeholder communications plan. Item G 21, where we already know that a landowner who specifically responded to the consultation on the changes asked for us to continue to engage and we've committed to that in the React. So whilst of course the order under the Articles political refers to 14 days that would be essentially kind of the last stage constant communications process. Well, now we're doing the formal notice, but that would follow after. Okay,

1:12:34

thank you. And just for the tape so that we ACC is registered parliamentary communications pick that we acronyms.

1:12:45

Just jumping ahead slightly to article 27. Three, which is a temporary use of land for maintaining the authorised development. In that case you give 28 days rather than the 14 days. So is there a reason why there's a difference for that as opposed to oh, sorry, your microphones are on the box.

1:13:06

Sorry, Mr. Fox on behalf the applicant essentially for that reason. Whereas that 14 days comes? Well, wherever we're in a kind of process of comms because the construction scheme. The maintenance power in it lasts for up to five years. So there wouldn't be it would be coming kind of more out of the blue so to speak.

1:13:25

Okay, thank you. Could we jump ahead to article 32, please, which is the felling or lapping of trees and removal of hedgerows? Article 32 for I think it is yeah, that removed refers to removal of hedgerows with in the audit, it is normally recommended that an article of this kind are made or made relevant to the hedgerows intended for removal, including a schedule and a plan to specifically identify the hedgerows. Can Can you explain why this hasn't been included on this occasion?

1:14:07

I mean, which groups in particular because there's only a very small amount of hedgerows removal here and actually, we look at the net biodiversity net gain calculations. hedgerows is the biggest gain of in that calculation. So more is being put back. In terms of a schedule, we we take that away and looking at providing a schedule, identifying the name, the number, the headrow number, if that's helpful, but equally we may be able to cross refer to landscaping plans that might show that rather than putting it in a schedule, but we'll we'll see what we can do in terms of writing more clarification. Sure. Yep. Thank you

1:14:57

if we could go to our Call 40 itself may have already covered covered this. My question was really to do with the six week six week period on Article 40. But I think from what I understand that's something that the council's are currently looking at, and I'm going to get in touch with the African.

1:15:20

Okay, that is all I had on the articles for today. Does anybody have anything else they wish to raise on any of the articles or anything that the applicant would like to bring to the attention of the examining authority?

1:15:36

No, not from our side, as I've already covered the amendments that we will be making that we're going to make some tweaks to article 20 and 21. In the proposed acquisition schedule, that was the only additional points and we've covered that. So thank you.

1:15:51

Okay, thank you, in which case, we will move to schedule one, which is the authorised development. Just a matter of clarification, really, for me, some of the wording uses comprising some of the wording uses, including Is there a reason for using two different words on some of the works numbers? And does it mean, I think what I'm trying to ask is when you use the word including does that mean that there are some work elements that are not yet nailed down?

1:16:26

I think the the style of drafting was that the main work number one, so if I'd look at work number one, so rich grooves on behalf of the applicant, work number one is highlighted and then refers to comprising and getting work number one is comprises one, a three to one, F, and then you have work one, comma one C, that Then work one, C, includes c one, c two, C three. So it's, I think, stylistic point, on anything to say that work one comprises one, ABC, whatever it is, and then you have the individual work one A, that then includes the following. You've got the general description of what work one A is. And then we highlight what it also includes, which is specific pieces of the key elements of the infrastructure, many of which will be governed by the design parameters. Okay, thank you for listening.

1:17:15

Thank you for clarifying that.

1:17:26

Yeah, I think I was just going to ask the question, work number two, A. One, should that have the word including or comprising after it? Because I believe, do the rest the rest of those, the descriptions form part of that work?

1:17:52

Which gave us on path everyone? So work? Number two,

1:17:56

a one

1:18:00

to two A's, a new carbon dioxide delivery terminal compound?

1:18:04

Yeah. And then, and then includes a new underground or above ground? Carbon dioxide pipeline connecting? Does that do the rest of the works related to the carbon dioxide delivery terminal? Or do they relate to underground or above ground pipeline? So part of the terminal part of the terminal? Yeah,

1:18:27

so a new carbon dioxide delivery term? A new carbon dioxide delivery terminal compound, including little i 234, etc.

1:18:36

Okay, thank you.

1:18:41

Number three

1:18:45

Could you also explain to the examining authority why we have a list of work following work number eight, once we get past work number eight, we then have a we then have a long list of works, some of it seems repetitive of works, three to eight in themselves. Could you explain the difference or how some of these are different to preliminary works for example, it's not quite clear why we have this separate due to all of the work

1:19:17

it's the as I said, quicker drafting. We split up the work pack the the the development on the basis of logical work packages. But of course we don't contractor as is common has not been appointed. Some of these small in nature works little a to J. After work eight B. R could happen across any part of the order limits. And whilst we have identified some of them, as you've quite rightly pointed out in some of the work numbers, we cannot be certain that they won't also happen in other work numbers because of the detailed design that's subject to requirements of course And the contracts that have not been worked through yet. So in order to ensure that the scheme is as comprehensive as as possible without needing for any amendments, once a contract has been appointed, little a to J has been incorporated, there is the protection at the end of that list regarding materially new or materially different environmental effects to ensure that nothing is done that goes out with the assessments in the environmental statement.

1:20:28

Thank you, Mr. Griffith. Again, I'm going to ask if you could provide such an explanation in the explanatory memorandum because I don't feel like that's really explained in the way you have just explained that to me now,

1:20:38

we will, we will add that to the relevant parts of the expansion.

1:20:41

Thank you very much.

1:20:50

Just going to hand over to Mr. North over who I believe has some questions on this matter.

1:20:57

Thank you. So I have a couple of questions on schedule. So schedule, schedule one, work number four, and the description of work number four, which is works to facilitate construction access, and using the work plans, it's hard to tell the extent of the intended scope for this work. The text description in sheduled, one is quite broad and the works plans show a significant area that covers much of the orderliness including buildings and structures, which I don't believe are proposed to be temporarily temporarily removed or reinstated as part of the development. So does does the wording need to be better defined in sheduled? One, or is it necessary for that description to be quite broad?

1:21:59

Rivers and path applicants, I think, we have to recognise here that this is a working operational power station, we are modifying and extending that power station as is in the description of development, and this work number to try and identify each individual road and then building that might be temporarily moved or shifted within the footprint of the proposed extension, it's gonna be quite difficult to do and could give rise to unintentional errors in terms of not being wide enough. So I think as you're right, we're not intending to remove everything that's highlighted in that work package. But we look at the footprint, the map underneath the hatching, to then try and get the parameters of each road and building is going to be quite a difficult job to do. And it's so in our view, it's more appropriate to do to take the approach that we've taken with that broader approach.

1:23:12

Thank you. So I notice on the works plans, the areas of vegetation that are set aside to be retained and excluded, are not included in that boundary of work number four, and I wonder if a similar approach could be taken to buildings and structures which are definitely not to be removed, for example, that the area of work number four, encompasses the cooling towers

1:23:41

I think will allow us to take that look at the work package and see whether it's possible with the design team to try and remove some, I don't think is gonna go as far as you may require, you may be thinking, but as we I understand, for example, the cooling towers are not going to be obviously removed when they're needed. So we will have a look at what we can do in respect to work for obviously, there is modifications around for example, the cooling towers in other work numbers, so you aren't going to get bored hence hence the work packages do overlap the existing infrastructure but I I do understand the point on the work number four particularly and we'll have a look at that work package design and see how it can be reduced.

1:24:28

Okay, thank you. And then moving on to shedule five part one so so this is table three shedule five part one. There's, and it may be useful to have that access and write rights of way plans. Sheet five specifically So there's a row for works in the street between points marked r and s. A separate row for works between points marked r and t. And then a separate row again for works between points marked s and t. This appears to double count the areas between points r and s and between the points Asante.

1:25:31

Like could you just say that again, please. So, okay.

1:25:41

We work off if we look at Part One, schedule five. So is it the row? PAGE 49 of the order? Correct. And is your first comment? Row The Third row down the 62 carriageway ins

1:26:06

Yes, that's correct. So, yes, so third row down Yeah. Fourth row down. Aren t sick throwdown. I wouldn't be between No, no, that's fair. Throw that so sick. So it was six rows down is s&t, s&t. And

then if you look at the access and rights of way plans, it's appears to double count the stretch between RNs and s&t. And it there's not a there's not a similar split on the other side of the M 62.

1:26:56

I think we need to, we need to speak to our transport team on that. And double check. It's quite a complicated part because the going over the brown the M 62, which of course is will be temporarily closed. So it's quite difficult part of the road alignment. So if we would take that away, double check that and if there is a need to be an amendment, we'll use a deadline to if it's correct, we'll explain why we haven't made that amendment.

1:27:24

Yes, that'd be helpful. It's just just to understand if there's anything different, that's the road to the other side of the road that makes up the case. Okay. I'll

1:27:33

just come in just to just to confirm, is that something that you're going to come back to us today on or you're going to come back to us in writing on?

1:27:39

I think we'll do that it might take a deadline to thank you. And we'll either make the amendment or if we don't make the amendments will then explain. In our schedule of changes, would we'll put in a cover or cover letter saying we haven't made that amendment? Because of

1:27:55

Yeah, and this is potential deadline to

1:27:59

subject your timetable. deadline to

1:28:01

thank you.

1:28:08

I don't have anything else on any of the schedules other than those that we have, we are going to deal with further on in the agenda. So at the moment, that's all we have to say as an examining authority, and it seems an appropriate point to take a break. Does anybody else in the room have anything they wish to raise on anything that we've discussed this morning? Okay, in which case, we'll we'll take a break and we'll reconvene at 1150 Okay, thank you, everyone.