

TRANSCRIPT_DRAXBECES_ISH4_SESSION 1_24032023

00:36

Good morning, everyone. And welcome. Lovely to see some familiar faces in the room today. Before we begin, can I just confirm that everybody can hear me clearly?

00:48

Can I also just confirm with Mr. Harrell that the live streaming and recording has started? Thank you.

00:55

For those people who are watching on the live stream, can I just advise that should we at any point, adjourn proceedings this morning, we will have to stop the live stream in order to give us clear recording files. And as a result at the point which we we commenced the meeting and restart the livestream, you do need to refresh your browser page to review it. I'll remind you of this again, should we need to adjourn. It's now 10 o'clock, and it's time for this hearing. To begin. I'd like to welcome you all to this issue specific hearing, which is issues specific hearing for on the draft development consent order, which is the second hearing in relation to the draft development consent order, which are referred to now as the DCO. 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. Thank you all for attending this morning. My name is Caroline Jones. And I'm a chartered town planner I mean filing inspector employed by the planning Inspectorate and I've 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. And I asked my fellow panel member to introduce himself.

02:04

Good morning, my name is Ben Northover, I would try to architect and I've been appointed to be a member of the panel to examine this application.

02:12

Together, we both constitute the examining authority for this application and we will be reporting to the Secretary of State with a recommendation as to whether development consent order should be made. The case manager for this project is George Harold, and he has been supported here by a tillable sauce. We also have Spencer Vironment who is providing support remotely, please don't hesitate to contact a member of the team if you need any help with today's event or with the technology.

02:38

But it just begin by asking if there is anyone here today who hasn't attended one of these events before either in person or virtually or either has watched the live stream.

02:53

That's great. I can shorten the housekeeping and you don't have to listen to the full speech. Again, I'd like to remind you that this hearing is being recorded and that 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 and spectrums website as soon as practicable after this hearing. When you speak, could we ask that you speak clearly and give your name every time that you do.

03:26

If I could just ask everybody to turn off their phones, and make sure that their laptops and notifications are switched to Silent please. We're not expecting any fire alarms today. So if the fire alarm does go off, then please exit the room. My other doors at the back.

03:43

We are going to be taking a short break and around 1130 today and lunch at around one if we do need to go beyond that.

03:55

If there are no further further housekeeping matters, and I'll move on.

04:02

The meeting today is going to be following the agenda that we published on the sixth of March 2023. It would be really helpful if you had a copy in front of you. The agenda is for guidance only and we may add other considerations or issues as we progress throughout the hearing. We'll try and conclude the hearing as soon as we can. Once all the relevant contributions have been made and all questions have been asked and responded to. If it looks like the discussions can't be concluded today, then it may be necessary for us to prioritise matters and defer other matters to written questions. Likewise, if there's something that we asked you today that you can't answer, or you need more time to get the information and requested than just indicate that you need to respond in writing to us.

04:45

Throughout the hearing, there may be several key documents which you may want to have easy access to. These are the latest version of the draft DCO which was submitted by the applicant a deadline to and the examination library reference numbers for those

05:01

Clean on track change versions are rep 2007 and rep 2008. The latest version of the explanatory memorandum, which is rep two zero 10. And if there is a need in this meeting, we would be using the latest version of the land and works plans which are at references as 072 and as 073.

05:23

I'm now going to hand over to Mr. Northover just to go through some introductions.

05:30

Thank you. I'm now going to ask those of you who are participating in today's meeting to introduce yourself. When I state your organization's name. Could you introduce yourself stating your name and who you represent and let us know on which agenda item you wish to speak?

05:45

For the purposes of the recording, it would be enormously beneficial to us if each time you speak throughout the hearing, you could state your name and if you're representing someone whom a tissue represent, can we start with the applicant and then any of their advisors please?

06:01

Good morning. My name is Richard Griffiths. I'm a partner at Pinsent Masons LLP solicitors for the applicant. With me today is on my colleagues Alexis Coleman, senior associate at Pinsent, Masons. And Matthew Fox associates at Pinsent Masons. We're also joined by the applicant, Mr. Jim Doyle, and a consensus manager as the applicant. And Mr. Chris summers, Technical Operations Manager, as the applicant. And at the end of the table is Mr. Matt stalks on WSOP. He's an associate director on planning matters. Thank you.

06:41

Thank you. And we then move on to the organisations which have expressed a wish to speak and again, if you could introduce yourself, and let us know which agenda item you wish to speak, because I start with North Yorkshire county council and so with district council, please.

06:58

Thank you, sir. Yes, Kelly Dawson, senior solicitor for North Yorkshire County Council representing both Selby District Council and North Yorkshire Council.

07:07

To my right is Jenny Timon, the assistant principal planning officer from Selby District Council. And to my left, I'm accompanied by Michael Reynolds, who's a Senior Policy Officer for North Yorkshire county council. In terms of agenda items I expect anything in, particularly in relation to the D draft DCO or section 106 to be mastered that we can assist the members with

07:28

Thank you. And then could I ask biofuel watch to introduce themselves?

07:34

Katie bar on behalf of biofuel watch. No specific agenda items.

07:40

Thank you. And then Mr. Hewitt, please.

07:45

James here is I work independently. I have been to North Carolina and felt the silence of clear fanning which is deemed to be sustainable. Thank you.

07:56

Again, and just transition Wakefield.

08:00

Good morning, Stuart Boozman from just transition Wakefield's, representing the organisation.

08:05

I do have specific questions on Agenda Item five, but otherwise,

08:10

we'll see what comes up. Nothing else specific. Thank you.

08:17

Thank you. Okay, now if I could ask if there's anyone else in the room today, who wishes to speak today.

08:27

Thank you. Now if I could move on to a virtual attendees, and again, again, if you could introduce yourself, and let us know which agenda item you would wish to speak on. So we have

08:39

Francis Edward Edwards from the Environmental Agency. Yeah, I'm Francis Edwards planning advisor at the Environment Agency. We have no specific matters to base.

08:52

Thank you. And do you have any colleagues with you virtually?

08:57

No, I don't. As we've resolved the requirement is you I have not bought my my legal colleague Carol bolt with me. Okay, thank you. Thank because I'm move on to national highways. Do we have

09:13

Mr. Jones and Mr. Bellingham with us?

09:18

Good morning. Yes. Simon Jones for national highways.

09:24

Morning, Sir Paul balligan. I'm an in house lawyer here at National Highways. Between the two of us. We'll be here to cover agenda items five and six.

09:35

Thank you. And do we have Mr. McNamara from National Grid carbon limited?

09:43

Good morning, sir. Tom McNamara. I'm a solicitor at BDB Pitmans. I'm here representing National Grid carbon.

09:53

I would expect to speak only briefly on agenda item six. In relation to particularly

10:00

protective provisions.

10:04

Thank you. Do we have anyone else with us online?

10:11

No, it looks like that's everyone.

10:15

Is there anyone else who wishes to speak? This doesn't preclude you from speaking later if you wish to respond to comments made by other parties.

10:25

Note, if not, that includes this item of the agenda. Thank you. I'll hand over to Miss Jones.

10:35

Thank you, turning to item two of the agenda, which is the purpose of today's issues Pacific hearing. We're here today to consider the draft DCO. The draft DCO is an important document. It's a draft piece of legislation, which if the Secretary of State does decide to grant development consent forms the legal basis for the delivery of the proposed development, it sets and security standards to which the development must be constructed that secures the environmental performance of the development, ensuring that it does not exceed what is described as the Rochdale envelope assessed in the environmental statement. This hearing is being held today 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 still make representations in this hearing on the drafting of the DCO without conceding your wider position that it should not be made.

11:30

So for those of you participating today, you 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. And you can still do that even if your position is that the DCO should not be granted.

11:47

It is important for us as 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. That is because we do not decide these applications, we make the recommendations to the secretary of state and they make the decision. So even if our report were to recommend that development, consent should not be granted, we would still append a draft DCO ensuring that the Secretary of State can decide needs to make one if he or she wishes. Does anyone have any questions on what I've just said?

12:23

Okay, I'll move on to Item three, which is Matt, as previously discussed at issues Pacific hearing, two

12:31

are holding this agenda item. Because in accordance with regulation 14 Two of the infrastructure planning compulsory acquisition regulations 2010. We need to hold this item for any additional interested parties, or additional affected persons as a result of the applicants changes PCO one and PCO two to allow them to make any oral representations on any matters that were previously discussed at issue specific hearing, too. We haven't actually had any requests to speak on this item. So before we move on, is there anybody in the room who just wish to speak on that item?

13:09

In that case, we'll move on to Item four, which is articles I'm scheduled.

13:17

Like to just begin by asking the applicant, if they could walk us through and give us a brief overview of any of the changes that have been made in the latest version of the draft DCR, which was submitted a deadline to and if you could, as you're going through those changes, just give us a brief explanation as to why that change has been made. That is, of course, with the exception of scheduled 211 12 and 13, as we're going to come on to them later on in the agenda.

13:47

Though, if I could hand over to the applicant, please.

13:50

Thank you.

13:52

The all the changes that have been made between the draft DCO submitted under reference as 076 at the deadline to version that you referenced earlier, which is rep two hyphens 008, which is the current draft version, all those changes are set out in the schedule of changes that we've submitted, which has referenced number rep to hyphen 009. But I'll just pull out some key

14:20

amendments for the hearing. So first of all, we've made some amendments to the definitions in Article Two of the order or consistency. Purpose purposes, I'm picking up some of the comments made by the

examining authority. At Issue specific hearing, too. We have added in two new definitions, one being a definition of the F G D plant. That is because we've made amendments to requirements to that we'll come on to the next agenda item and that refers to the FTD plant so we've inserted a definition. And also we've added a definition of the

15:00

outline local employment plan. And that's due to a new requirements requirements 21 are scheduled to game come on to that next agenda item. But as we discussed at the last issue specific hearing, we've moved the local employment plan from the section 106 agreements into develop consent order, and therefore have submitted an outline local employment plan. And hence the definition.

15:27

Moving on to article 10, which is powers to alter and layout of streets, we've amended that article, and by adding in

15:41

examples of what works that can be done, and that is to align with the accompanying shedule to article 10,

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which is sheduled. Five, I would just pick up and amendments that we'll be making.

15:55

Subsequent subsequently, which also picks up a point from the local authorities that we will delete, be deleting the next iteration of the order

16:04

10, three, little d.

16:08

That will be coming out at the next version of the order, which hopefully

16:14

deals with

16:16

the council's concern sites tend to D, apologies, 1010. To little D. It's quite, it's quite dark. In my end, I've got the benefit of a table.

16:30

Moving on to article 18.

16:36

The the amendments to article 18. These are we inserted a reference to Section 158, subsection two of the Planning Act 2008. Again, that was the request from the examining authority, which we agreed with. So we've inserted that. And again, the compensation provisions in article 18 subset paragraph five.

16:56

Next main amendment is to article 20, private compulsory acquisition of REITs and article 21, private REITs.

17:07

And also our link in the accompanying shedule sheduled. Eight, we covered this yesterday at couples acquisition hearing, we've made amendments to those articles to make it clear that on the land coloured green, we are only extinguishing rights not doing anything else. And so we tried to make that more explicit in the drafting of article 21, particularly and in sheduled eight. And as I referred to yesterday, we'll be amending sheduled eight further to add in the main Drax power station site, which was an omission from that table. And that'll be done the next iteration of the of the order.

17:48

Moving on to article 40.

17:53

Of the order. Article 40 Is the procedures in relation to certain approvals, and we've agreed with the local authorities. That reference to six weeks will be amended to eight weeks. And I understand that should now be agreed.

18:12

We have deleted former article 44 which was the crown rights article. Again, we discussed yesterday, the crown and we have taken action to provide more confirmation to you that titled has passed to the highway authority and does not still remain with the Secretary of State for Transport. So depending on the outcomes of those investigations, article 44 Obviously may be reinserted, but it's our position at the moment is that it was mainly deleted because we're able to demonstrate to you that title has passed but that's an action we took away from yesterday's compulsory acquisition hearing.

18:51

Then turning to shedule, one of the developers consent order

18:58

we've made some minor some amendments to work number one, D

19:07

at little five and little six and also work number two,

19:13

a and to B we've inserted reference to monitoring and metering equipment, this is because we will need that equipment of both the carbon capture plant which is work number one one D and also at work

number two, which is the point at which we join the transport infrastructure and we will demonstrate to National Grid carbon the quality if you like of the of the carbon so we need to monitor the equipment. So hence the addition of those wordings that was emission from the previous draft. We also add in what number to reference to and pipelines. So he says a new carbon dioxide delivery terminal compound and pipelines. Obviously there are pipelines that delivery terminal so again, it was purely an admission in the draft

20:00

And, and ties in with the rest of the provision. And then there were other amendments to schedule one relates to work number four, which again to try and deal with comments made by the authorities to provide more clarity to the scope of work for, which was the facilitation of construction accesses. So you've made it clear that that's regarding the work that we'll be doing until that work number is to ensure the safe entry and navigation of construction vehicles, so hopefully tightening up the language to assist the authorities.

20:32

We've also made some various other members of schedule one in light of the examining authorities comments regarding the word compressing and including, and hopefully that's now consistent, more consistent, to meet your to meet a request.

20:47

We then have made a do not cover schedule to schedule six, we've inserted an additional public right of way into that shedule, which might be temporarily stopped up, we have the commitment in the register of environmental actions and commitments which I will turn from now on the React.

21:10

And in that in the React we have a commitment that

21:13

we will seek to keep public rights away open where we possibly can, and is safe to do so but where we cannot, then we might need to temporarily stop up public rights has been identified. And hence that's been included in schedule six. And then we've made some amendments. I've already covered sheduled, eight, in relation to Article 21. And then the other amendments we've made are in shedule 13, which is updating the certified documents as we're sort of further submissions made up to this point of the examination.

21:54

Thank you, that's really helpful, Mr. Griffith.

21:57

And what I'm going to suggest is there are some articles which we have a few little questions on. But if there are any articles, or schedules that anybody else in the room has anything they wish to say and then please just you know, raise your hand and let me know as we go through them. And just want to start with Article Two. And the definition of comments. I think the last time the Council were going to go

away and have a discussion about whether they were happy with the definition of commence the council no happy with that definition.

22:30

Kelly Dawson for North Yorkshire County Council District Council that they are happy thank you

22:44

if we could just turn to Article Six

22:58

noted in the explanatory memorandum for Article Six, you've amended the wording and to state that for work one f the benefit of the order is for either the undertaker or National Grid, whereas before I think it read and

23:15

does that need to be reflected in the article itself? Or was the intention just to put that in the explanatory memorandum?

23:45

Richard Gibson Park the applicant

23:48

as your as you be aware from drafting convention, we cannot put an oar in the statute instrument. So it's facing me the same thing. So the benefit will be for the Undertaker

24:00

and

24:02

National Grid I mean we could change and to orcas or can also it also means and it's inclusive that if you want to align with the world can either amend the EM or the DCA will will align the two okay it is not it is meant to be for

24:17

the moment they are aligned still even though you've got what and in one or the other because the meaning of the words, but will will change one of them. Thank you

24:37

if we could just move to article 12, please

24:50

this is it's just referring to the wording of the temporary stopping up. This is something that has come up in other examinations and GCOS

25:00

There is no such thing as temporarily stopping up the highway.

25:05

What I would suggest is if you could look at the wording that in article 13 of the Southampton to London pipeline DCO. I think what we would like to encourage is to use the word closure instead of stopping up because stopping as they obviously has other references, which tends to mean a permanent extinguishment of that of that highway.

25:30

Yes, which previously appeared? Yes, we'll take that away. Thank you look at that

25:42

if we could just turn to article 16, please.

25:58

This actually is just in reference to something that we brought up yesterday we just wondered Is this also something that should be referred to in article 42 Given that it refers to compensation?

26:14

Yesterday, we discussed whether articles 18 should be included in that list, we just wondering whether article 16 should be as well.

26:47

Which gives some health outcomes.

26:51

The article or two guarantees in respect to compensation is relating to the compulsory acquisition powers.

26:58

Article 16 is in part four of the order supplemental powers is not a it's not in the compulsory acquisition part of the order. We're not seeking a permanent rights to compensate. It's purely an access survey. So we would suggest we would

27:19

petition would be it shouldn't go into article 42 For that reason. Okay.

27:24

Thank you.

27:31

And then finally, for me, the only other article that I wanted to raise was article 40. Obviously, Mr. Griffith you stated that the council, we're now happy with the amendment to eight weeks the

27:42

council confirm that please.

27:46

Kindly Dawson for North Yorkshire county council and Selby District Council. Yes, the eight week timescale is agreed by the authorities.

27:53

Thank you very much.

27:56

Okay, that's actually all I had on Article schedules for this for this agenda item. Does anybody else have anything that they wish to raise?

28:08

Now checking this no hands raised on mine? No. Okay. In which case, we will move on to discuss schedule two and schedule 11, please.

28:22

Thank you, Richard Griffiths on behalf the applicants.

28:26

No, he misspoke. Sorry. Apologies. No, that's my fault. I did pause. What I'm going to suggest is rather than asking you to go through all the requirements and the changes, if we just go through them in turn, if you can then tell us what's changed, why it's changed. If we've got any questions we can ask them. And if anybody in the room does as well, maybe do it that way in order, which gives them just that sounds sensible, probably more efficient.

28:55

And if we to Yeah, I think I was suggested, there's no need to discuss requirement one. So let's just jump to requirement two. Thank you. Before I do that, I want to make an overarching comments that we've made

29:09

amendments throughout the requirements, so I don't have to pick them up each time relating to obviously, the new the new unitary authority that's coming into being on the first of April,

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the North Yorkshire Council.

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The authorities quite rightly mentioned that and highlighted to us that we haven't put the DA in front of North Yorkshire Council. And so we will be making that addition at the next

29:35

order. So just to pick that up.

29:39

straightaway, and the other elements that is throughout the order against what I've picked up each time is that in response to the examining authorities, comments at the last issue specific hearing, we've hopefully now answered your query to make it clear on the face of each requirements about the implementation and ongoing compliance

30:00

hence, with various strategies and plans.

30:05

It's noted Thank you.

30:07

And the just to pick up on another point, guys, we don't have to keep saying it. Again, it's a conversation to the authority. We were we've deleted in places reference to the local highway authority because of the new unitary authority, which is what we discussed with council. However, on reflection, we're going to reinstate reference to the highway authority, as although it's still the same body the North Yorkshire Council, it, of course has two functions. And therefore to be clear, that the planning arm of the unitary authority must consult with its highway arm, we will still refer to the local highway authority

30:46

that may that way, it's clear on the face of the order that that consultation has to take place.

30:51

Okay, thank you. This is my overarching comments. So moving now to

30:59

other amendments. So requirements two is the phasing of the authorised development. So we've made amendments to requirements to one

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that

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that were moves

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that requires us to put a this is no policy worthwhile development, except for numbered work eight is to commence until the semester phasing plan for work numbers 1234, and seven, so we've expanded the number numbers of works covered by the phasing, five, six and eight aren't covered by the phasing.

And that's because they are discrete elements of the project. Five is the temporary construction lay down area that would be caught by requirements.

31:44

By mid 14, the construction Environmental Management Plan, which was horsy, where the laydown area is, is mainly required for six is the habitat protection area. And that's caused by requirements seven, which is the landscape and biodiversity mitigation requirements. And in that requirement, there's an implementation timetable. So by discharging that requirements, which has to be done,

32:07

before sticks can be carried out, there's that type of timetable is identified there. And then eight is the overhead line amendment works, which is obviously off site along the aihl routes to the power station.

32:24

The paragraph two two has been amended to deal with a concern from the authorities about potential overlapping of the construction of the proposed Beck's project with the demolition of the FG D plant. We did not assess the cumulative impact of demolition and the construction of Beck's environmental statement, because on our current timetable, the FTD plant that's already got consent to demolish won't overlap. But to be clear, that cannot happen. We've restricted that

32:56

in the in the phasing requirement, the deletion of former requirement two two is because that's should be more properly dealt with in requirements six. And the wording has therefore been transferred over to requirement six. So those are in summary, the changes to requirements if

33:19

they thank you, I've got no further points on that. Do you Mr. Northover? Does anyone in the room have anything on requirement to?

33:31

Okay, then thank you, I would suggest and please stop me if anyone has any comments to make on any of the intervening requirements. But I would suggest that we move to requirements six.

33:45

Thank you, commerce six. So

33:48

with the amendment here in column six, which is detailed design approval,

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we've amended six to include references to scheme being carried out in accordance with the parameters and sheduled 14. This is the wording that was provided was previously in requirement to which I'd mentioned has now been transferred to the detailed design requirements. And that's the reason for that amendment.

34:11

Thank you.

34:14

Thank you. So I have a question.

34:18

More relates to schedule 14, which is linked to requirements six, and a comment that was made by the applicant at issue specific hearing three on Wednesday. And that the comment was that it's looking as if the scale of the absorber columns developed in detailed design will be similar to the Indicative design shown in the photo montages. So, circa 78 metres above ground level.

34:46

It is that to say that the maximum height parameters could be reduced closer to that or is that flexibility still required?

34:57

Or for the detailed design stage

35:02

which gave us on behalf of the applicant to the the flexibility is still required. We haven't gone through detailed design, whilst the work that's been carried out at the moment would indicate that height that is an early stage iteration, we still need the heights that has been assessed in the environmental statements. And the conclusions, the environmental statements are, in our opinion acceptable in impact terms. So we at this stage of the design, the project would still require that that maximum height.

35:36

Okay, thank you. And just picking up on the fact that the reference to shedule 14 has moved from requirement two to requirement six,

35:46

in shedule, sheduled, 14 in the top right, it still has reference to requirement two, if that could be updated. Thanks.

35:54

Yes, thank you. Well, we'll pick that up at the next version.

36:04

Okay, does anyone else in the room have anything they wish to add to requirements? Six?

36:10

No, in which case, could we please move on to requirements seven, which relates to the provision of landscape and biodiversity mitigation and enhancement.

36:21

Thank you Rich Griffis on behalf of the applicant. So we mentioned this requirements in light of comments from the following from the previous DCO RSH and we've rather than referring to no part, we've linked it to no phase of the authorised development and phases identified in paragraph seven, five of the requirements. It says for the purposes of subparagraph. One, a phase of the authorised development means a face identified in the phasing plan with respect to numbered works 1234, and seven as approved, pursuant to part subparagraph. One of requirements, two. So that's

37:04

the idea being that that will limit at the concern was that there may be quite a lot of

37:11

landscape and biodiversity mitigation plans coming forward. So by linking it to the phasing, which has then been approved by the authority, that it makes sense that should the applicant wish to they can submit a landscape and biodiversity plan to reflect those phases as approved, which would reduce the number of strategies.

37:32

We then obviously also cover off work numbers five, six and eight, as they're not covered by the phasing. So the landscape strategy would, would need to cover those before any of those works could commence. So those are the amendments to seven, one. And then in seven, two, we've added in further detail as to what's the strategy for the landscape and biodiversity mitigation enhancements will contain putting them out and putting them on the face of the order for clarity and assurance purposes.

38:04

And those are the

38:07

amendments to commerce seven, tip that I've noticed that you've also referred to items within the Riak as well. And then that requirement. Yes, yes. So for clarity. So let's go over some party applicants for clarity. We pulled out the Riak commitments that relate to landscape and biodiversity mitigation.

38:31

In Kenya, we already discussed this in part on them, when they

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the council have anything they wish to add in relation to requirements seven.

38:42

Thank you, Kelly Dawson for seven District Council and North Yorkshire county council. Obviously, the council's position was still that they will prefer one strategy. However, the amendments that would limit the number of strategies coming forward would be welcomed, because it's more of an administrative burden element as opposed to

39:04

a concern in the wording.

39:09

Your concerns really relate to sort of resourcing and trying to discharge it rather than actually having a holistic strategy. That's correct. It's purely purely from the administrative angle as opposed to an overarching concern. Thank you for confirming that.

39:27

Does anybody else have anything they wish to raise? In relation to requirements seven?

39:34

Nope. Okay. In which case

39:42

and up

39:47

requirement 10. I don't think you need to explain the amendments requirement 10 Because I think that was just a drafting error, wasn't it in the previous, the previous version?

39:58

Unless there's anything

40:00

else you did want to add?

40:02

I think there was just

40:04

an extra paragraph in there wasn't there?

40:08

which some have happened? Yes, that's correct. Yeah. In that there is no yes it's covered by the Kemp attack paragraph. So hence he was it was it was deleted. Yeah. And

40:17

just one question I had obviously this this again this is another requirement which

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I'm subject the surface water draining strategy coming in in parts. I know the mitigation for the potential impact of waterborne pollutants in the HRA, because the habitats regulation assessment is secured by

this requirement does it coming does the does that strategy coming in importance have any impact on that mitigation within the HRA?

41:06

Which goes on path applicants know what as we do the detailed design you will know how how the scheme is is being is coming together. And therefore,

41:19

the strategy will be designed in accordance with that and in accordance with the mitigation required set out in the Riak and

41:27

the HRA. So, I don't see how a strategy coming in parts will impact the conclusions of the HRA. Okay.

41:38

Thank you. And then I did have a point to make, but I suspect it's it's similar to your answer earlier in relation to the highway authority. I was going to ask the question whether the lead loop with lead Local Food Authority needed to be in there anymore thing as the council's have now merged? But is that similar to the Highway Authority commented or you'd prefer to keep that in? Kenny Dawson for North Yorkshire county council and Selby District Council? Yes, the preference is to retain those sort of statutory functions as clearly worded requirements to consult them to ensure that those those stages are taken through the process. Okay. Thank you.

42:20

Okay, if we could have sorry, does anybody else have anything they wish to raise on requirement? 10.

42:26

Okay, if we could move to requirements 11, please,

42:30

thank you, if you could just take me through those those changes,

42:35

which was on behalf of the applicant. So requirement 11 is flood risk mitigation. And this has been discussed and agreed with the environmental agency.

42:47

There is one additional paragraph that will need to be inserted into the requirements. And next deadline, which again, has been agreed with the environmental agency. And subject to that our understanding is that this requirement is is then agreed with the EAA and will be recorded in the statement of common ground.

43:06

Do you want me to go through the whole requirement? Or or? I mean, I think it's quite self explanatory. If there's anything in particular, you want to point out to us? Know, as I say, it's been agreed we've discussed it's been agreed upon and the addition of one more paragraph which the EAA may be, perhaps confirm that we are in agreement subject to that. And we will call that in the spirit of common ground. Thank you. Could I ask the Environment Agency if they could

43:34

confirm their agreement to this wording? Yes. Francis Edwards environmental agency? Yes, we did agree. It was only yesterday, we did agree, sort of the final wording of this. And so yeah, we're happy with it now.

43:49

Thank you. And there's just a minor point that I was going to suggest 20 years is a long time. Yes. If we don't know whether

43:59

these powers will still be with the Environment Agency or whether the Environment Agency will indeed still be called the Environment Agency in 20 years time. So I just wondered if there needs to be just some additional wording that would cover any

44:13

potentially new bodies or new names or new.

44:19

Yeah, I, our legal team, were happy with it as it was. But I can take that back to them and see what they would consider

44:29

taking a look at the drafting of that just to cover that possibility.

44:35

Which goes on the applicant? Yes. I mean, I'm just trying to see if we'd already had

44:41

drafting that covers successes in the order. I can't immediately find it, but we'll we'll look at that.

44:51

Article two,

44:54

six, yes, we do. Article Two six. In this order references to any statutory body includes that body so

45:00

accesses by successive bodies. Okay, that's okay. Thank you for confirming.

45:09

Thank you. Is there anybody else in the room that has anything they wish to, to raise?

45:18

Okay, in which case, we move to requirement 12, please.

45:23

Which give us on behalf of the applicant. So 12 is raised to ground conditions. And these amendments effectively reflect a comments from the local impact report from the authorities and indeed the first written questions upon the examining authority. We've tried to take those into account with the additional wording we've added into the requirement.

45:51

Is the council have any comments relating to requirement? 12?

45:55

Okay,

45:57

any person for North Yorkshire county council and sub District Council never content? Okay. Thank you. I would you know, we have posted a typographical error, which you may have picked up as well, which is the brackets are in the wrong place, as currently drafted. The brackets will be it's currently after the word conditions that needs to be moved to after services. Okay.

46:27

Is there anything on? Sorry? Does anybody else in the room have anything they wish to raise on the climate? 12

46:35

Okay, we'll move on to requirements 13. Is there anything you'd like to update us on this one? Yes, thank you, which gives on behalf of the applicant. So

46:43

again, responding responding to the local impact report and discussions. Not all of the work numbers caught by this requirement may require a written scheme investigation, hence the article requirement 13. One has been amended for two options either written scheme investigation has been submitted and approved by the authority or the planning authority has confirmed that we don't need to do a return scheme of investigation that reflects the outcome of the EIA

47:15

for those options, okay.

47:19

Thank you.

47:21

It's an overview of anything on 30.

47:25

Anybody else have anything they wish to raise on requirements? 13?

47:30

Nope. Okay, in which case,

47:34

we'll move on to requirements 14 Please.

47:38

Which gives some path the applicant so requirement 14 is the construction environmental management plan. And here we've we've expanded the previously read that no policy authorised development is to commence and restricted and included permitted plenty works, but only respect to site clearance, we've expanded that restriction. So now the two are too

48:01

far wider list of permitted Plumlee works and cannot also commence until we've carried out until we submitted with approval, the construction Environmental Management Plan and again that's in response to comments from the local authority.

48:18

Thank you

48:23

but the council like to make any comments on those changes?

48:54

pentosan for North Yorkshire county councillors there'll be District Council know that they welcome the additional wording in that. Okay. Thank you for confirming. Does anybody else in the room have anything they wish to raise in relation to requirement 14?

49:10

In which case, we will move on to 15 I don't think we need any explanation, but I know Mr. Northover has a couple of questions on this requirement.

49:21

Thank you.

49:23

Could the applicant explain why? Requirement 15 only relates to work numbers, one two and eight. And a similar question for requirement 16. Why this just relates to work numbers one and two.

49:40

And whether work numbers 345 And seven would also contribute to construction traffic and construction worker travel and need to be captured by these requirements.

50:10

which gives them half the applicants

50:13

possibly agree with you or agree with you with regarding work number eight, work number three, as they are supporting works in connection with work number one and two. So chances are they'll be carried out in conjunction with work numbers one and two anyway. So we were done, I can see the logic is in asserting work number three in respect of requirement 15. And we can do that for same for 16. Regarding work number four,

50:42

we don't envisage that's the work to facilitate entry into construction accesses, which could be minor road modifications or removal of street furniture just to make sure that the vehicle doesn't clip. So we don't envisage a major

51:01

construction element construction traffic elements in respect of work for work fibres to temporary construction lay down itself, which again, we don't consider would give rise to a major construction traffic elements because we need to compound for for that purpose.

51:17

Six is the habitat provision area. Again, these are not these are

51:22

small number of vehicles to create that provision area. Same with seven and eight is is caught. So our view is yes to work number three, but not to the other work numbers.

51:36

With respect to work, number five, would there be movements of heavy duty vehicles for materials to construct areas of hardstanding?

51:56

Under similar, similar question to work number seven word that whether they'd be heavy duty vehicle movements associated with movement of Earth?

52:07

Well, it may be well there will be there will be the need for the vague type of vehicle. But this is about traffic management, and therefore the number. And so there won't be a significant number of those movements. So we don't consider a need for it to be caught. Yes, that those types of vehicles who will be needed, but this is not the construction of the plants, this is small number two, to create the space for that large number of vehicles to go to

52:36

on in respect to work number five. So again, we would say there's no what there's no justification to capture those two work numbers.

52:46

Okay, thank you.

52:50

Do they council have anything

52:53

they would like to raise in relation to all the stuff you've just been said?

52:59

He does have North Yorkshire county council who has I have no instructions on that particular point. I could take that away as a question of clarification with the client. And yes, please that would be great.

53:15

My suggestion on what's just been said would be perhaps to amend the explanatory memorandum to justify why certain words are in there and why certain works and the explanation you've just given us there.

53:28

Which gave us some policy options. Yes, we can add those additions to the to the expansion memorandum. Thank you.

53:39

Was there anything else on requirements 16 Okay.

53:43

Yeah, yes, we screwed some stuff up. Yes, we have just make a comment on crime and 16. So, as you will see from your comment 15 refer to consultation with national highways.

53:56

And we will be as discussed with national highways and agreed with them for requirement 16 will also insert a consultation requirement with national highway so that in addition, the next iteration of the order

54:11

Thank you.

54:22

Okay, I would suggest given with no changes to some of the following requirements that we skip to requirement 20, which is the local Liaison Committee.

54:34

Thank you, which will give us some part of the applicants. So on requirement 20. I'll capture 21 as well actually. 20 is the local Liaison Committee and 21 is the local employment plan. As we discussed at the last DCA hearing, we discussed the section 106 and the obligations in that and we agreed that we would move both of these these commitments apart from the applicant to form the local liaison

55:00

committee and form and create the local employment plan out of the 106. So it didn't need to be in that and put them into as requirements in the order. So effectively the terms that we agreed with the authorities in the 106 that broadly reflect or is agreed on the repower project, be inserted into the DCO. Hence, the new addition of these requirements, there is going to be a slight update to

55:23

the requirements for both the local Liaison Committee and employee plan, and that is to extend them to decommissioning which we've agreed with the authorities.

55:35

Okay, thank you. I just had one minor point. I'm just having another read of it. Now, just to make sure I haven't missed that. There isn't. There is an outline local employment plan isn't there.

55:50

I'm just wondering whether the requirement needs to be updated to reflect that the submission of the local employment plan. I would just say that doesn't fit in to the plan must be substantially in accordance with the outline employment plan.

56:02

My mistake is there.

56:05

Does the council have anything they wish to raise on the addition of these two requirements?

56:10

Held also for North Yorkshire county council and southeastern Council? No, just to confirm subject to the additional extension of it to cover decommissioning with contempt without the wording. That's fine.

56:21

Mr. Boozman?

56:24

Thank you.

56:26

It's it relates to both 20 and 21. But specifically about 21. For the local employment plan, are both on site trade unions and either the regional CUC or Selby district Trades Council involved in the production of that local employment plan? And and associated? Would they be? Would it be appropriate for them to be part of the local Liaison Committee as well? Thank you.

57:17

Thank you, which because of poverty in some respects, the local Liaison Committee requirement 22
You says that the undertaker

57:28

Well, watch what turns to the undertaker must invite the relevant planning authority in local parish councils to nominate representatives to join the local Liaison Committee. And that's who we envisage will be part of that local Liaison Committee. That is about ensuring the works carried out in construction, operation and decommissioning. Were effectively a good neighbour. And so we would consider that to be the appropriate parameters as you've already set out and in article 20, in requirement 20 in respect to the local employment plan, only to take instructions and speak to my client on that.

58:07

And do you think you can do that by deadline ball?

58:12

Yes, we can we can we can respond to that deadline for

58:19

Mr. Boozman if we ask the applicant to take instruction on that, and they will provide a response at deadline for and then of course, you will be able to respond to that at deadline five.

58:31

Thank you. That's fine. Yeah, thank you.

58:42

That's all the questions that I had to ask on the existing requirements. Just before we move on, though, I just wondered if we could ask the applicant if they had any more thoughts or if deposition had changed at all on the potential of a requirement which we discussed the last time which was similar to that, which is on the the main DCO for the key B, Project key B three sorry,

59:09

which gave some policy outcomes.

59:11

The applicants position is set out in our schedule of changes to develop a consent order, we're up to hype and 009 where paragraph 2.1 point one through to two point 1.9. We set out opposition which is that we don't agree that a similar requirement should be the quibbling requirements on key B three should be placed on the Drax order. Principally being in our explanation in that document. That key B three is can be distinguished from this application. Key B three is the granting consent for a new a new gas fired generating station from which carbon dioxide would be admitted if allowed to operate without the carbon dioxide transport without a carbon dark

1:00:00

Side facility and the transport and storage network. So I can understand why such requirement was placed on key B three, given the netzero. Challenge, this application is different. The generating station is already operating, this application is not consenting a new generating station.

1:00:22

It's a biomass generating station, not a gas fired Generating Station. And regardless of the outcome, if this application was refused, then the generating station would continue operating under the scenarios that we've identified in environmental statements. If this application were approved, then the app the applicant has the ability to then instal carbon capture and storage, yes, subject to the transport infrastructure. But it doesn't need to be restricted

1:00:52

in any way, because it's already an operating generating station. So our position is, you can distinguish it, and it's not reasonable or justified to play such requirements on this order. We would also, the other reason is that, given the urgency we would want to carry whilst the transport network was either still being presented or going through other processes that are early work that we would want to get moving on in order to ensure that the facility was operating at the earliest possible date to assist with the net zero challenge. So if those reasons, which was boarding at the summary of where what we wrote into one per one tuple 1.9 of the sheduled changes, acquisition remains as at the last hearing. No, we don't consider it justified to place an equivalent requirement.

1:01:44

Thank you.

1:01:47

Okay, before we move on to schedule 11, does anybody have anything else that they wish to raise on requirements?

1:01:57

Okay, in which case, we will move on to schedule 11.

1:02:04

Which is the procedure for the discharge of requirements?

1:02:09

I know that you've obviously made the amendments to clarify what an application means. So it's every time you apply to discharge whether, whether in part.

1:02:20

And you've also extended the time now to eight to eight weeks.

1:02:27

Does the council is the council satisfied now that that timeframe has been extended to eight weeks? I think that's in to one.

1:02:37

Hold also in North Yorkshire county council and Sanford District Council? Yes, the timeframe in two eight weeks is correct. There is I think we've been moving on to it anyway. But while we're we've also agreed with the applicants that were further amendment to come in agreeing 21 days for three out okay, they went up. That was my next question. Yeah. Yeah. So both of those will be amended to 21 working days. And that's been agreed between us.

1:03:04

Which give us on behalf Hopkins. Yes, I can confirm that's been agreed. And we will update that for the next iteration of the order. Okay, so will the so one of my questions was is the five working days still being kept in? I think it's number three.

1:03:18

So you require the local review require the planning authority?

1:03:24

five working days.

1:03:30

Is that staying in?

1:03:33

Yes. So how it works in in three, three is the AP the authority has to request the console T to respond within five working days. And then they the authority has

1:03:47

within five working days that they

1:03:54

they then have give up. So I was reading the business.

1:04:00

They requested information from us in 21 days, like Sorry, just trying to reread the requirements. So yeah, they five working days in relation to the asking the required requirement console T to provide that

information. But the authority then has more time to consider what to request from us, which is 21 days. Okay.

1:04:23

Thank you for confirming.

1:04:26

Is there anything else within that schedule that the council would like to raise now? Anybody else in the room have anything they would like to raise on schedule 11?

1:04:39

Okay, in which case, I suggest that we move on to the next item agenda, which deals with protective provision.

1:04:51

I could just ask the applicant to give us an update really on the protective provisions included in scheduled 12. Any revisions that have been

1:05:00

made or any updates on negotiations with any parties please?

1:05:09

Thank you which groups on behalf of the applicants? I touched on this yesterday at the compulsory acquisition hearing.

1:05:14

And so in respect of

1:05:17

national grid electricity transmission, we've agreed protects provisions with

1:05:24

national grid electricity transmission. They were agreed on the 15th of March. And the DCA that will submit at deadline for will include those agreed protective provisions. And will it be an updated statement of common ground to reflect that?

1:05:46

Yes, yes, we have a confirmation that we're seeking that from National Grid

1:05:51

in respect of National Grid carbon limited.

1:05:55

Currently, there are no protect provisions in sheduled 12 For National Grid carbon. However, as was discussed the last issue specific hearing, as I touched on yesterday, we are negotiating protect provisions with National Grid carbon. And we

1:06:11

expect to reach agreement on those protective provisions with National Grid carbon during the course of this examination. And the protection provisions will then be included within shedule 12. I'm sure National Grid carbon

1:06:24

can confirm that. Mr. McNamara.

1:06:31

Thank you, Tom McNamara for National Grid carbon. Yes, I've got nothing to add to Mr. Griffiths summary there that's that aligns with our, our understanding and belief as well. Thank you.

1:06:45

Mr. Robot, Mr. Sorry, Mr. McNamara.

1:06:50

If Sorry, what we would ask is, obviously, we're being told that that will come in before the end of the examination. If it is looking like it's not going to get to that point, we would ask you to provide us with your preferred wording for those protective provisions.

1:07:09

Thank you, Tom at the microphone National Grid carbon. That's that's fully understood.

1:07:15

Thank you, Mr. Griffith. Thank you, which gives on behalf of the applicants, national highways, again, as we discussed

1:07:24

at the

1:07:26

environmental matters issue specific hearing on Wednesday, we're negotiating protective provisions with national highways. And there's a few outstanding points. But again, we expect to agree those protective provisions with national highways during the course of the examination, and they will then be inserted into sheduled 12, as well. And I'm sure national highways can confirm that hopefully as well. National Highways going to turn your cameras on please.

1:07:57

Thank you. Yeah, Paul, welcome in House Leader at national highways. Yeah, that's correct. And as you'll be aware, the draft DCO before you doesn't contain any protective protection for national

highways. Albeit the detail will authorise works on the strategic road network, which clearly wouldn't be acceptable for us. So we do have significant concerns in that regard, which is why we are requesting the protective provisions. I am in contact with the applicant's lawyer in that regard. And we are hopeful that agreement on the point will be reached before the end of the examination. But I do believe

1:08:26

we attached to our relevant rep, a copy of our preferred protected provisions. So you should have been before you but if not, then certainly update that to the next deadline. Thank you. Yeah, we do have that my question was going to be if you didn't reach agreement for the end of examination, again, we would want your preferred wording if it has, if there's any change from that, that you've already put into the examination.

1:08:49

Yes, certainly we can have another look at that and update that for you. Thank you.

1:08:56

As I say we should we are hopeful we are going to agree with national highways

1:09:01

that finally Network Rail we do have provisions for Network Rail apart for sheduled 12. But

1:09:07

with those provisions that we've agreed with Network Rail to be removed from the developed consent order, and Winstead the parties have agreed a form of deed of undertaking that will be shortly executed. And that is due to the lack of interaction, likely lack of interaction between the proposed scheme and network rail's assets. So they've we've agreed with each other that protects permission to therefore not required and there'll be deleted okay and do you have any timescales for that

1:09:39

which groups and all of the applicants will be doing that deadline for I understand network well submitted into the examination yesterday

1:09:47

documents confirming that position. So in light of that, at the deadline for will delete those protective Christians.

1:09:58

Thank you. There any

1:10:00

thing else. You have to update? Not on protect visions. No. Thank you. And obviously yesterday we we had Yorkshire board to attend the hearing and you're going to continue discussions with them. Yes. Thank you. Yes. So, as discussed yesterday, protects provisions will protect regions of Yorkshire water

are already included in sheduled 12. Under part one, the general protector provisions, those provisions that have been issued to Yorkshire water.

1:10:25

As we mentioned yesterday, they were issued in March 22. And we've issued them three times to Yorkshire water, we hopefully have some traction now, as we heard yesterday, we will be responding in detail at deadline for about their for their five areas sorry or concern and confirming what the interaction is.

1:10:48

And we await their decision as to whether they require anything further. In addition to part one of the schedule 12, ie their bespoke protects provision to whether they're content with the part one potentially efficient. So we await that outcome, but at the moment, you've got comfort that Yorkshire water interaction is covered by Part One.

1:11:07

Thank you.

1:11:12

Does anyone else have anything they wish in the room? We'd like to raise about protective provision.

1:11:17

Now anybody online?

1:11:23

No, in which case then we will move straight to schedule 13 and I'll hand over to Mr. Northover for this

1:11:36

Okay, so shedule 13 deals with documents and plans to be certified as a

1:11:43

as a general question on the documents included in their shedule.

1:11:50

The draft DCA has been updated so that references to North Yorkshire county council and Savi District Council have been changed to North Yorkshire council should the documents within sheduled 13 be reviewed and updated to ensure they also there's consistency. And there, it may only be necessary to update those documents which is secured by a requirement rather than for example,

1:12:17

updating and resubmitting chapters of the s.

1:12:23

Now off the top of my head, I know the the outline landscape and biodiversity still refers to as lb rich crews and partly applicants.

1:12:31

I think when we update documents from the first of April, when the authority comes into force, then we can look at as we're updating it anyway, we can look at doing a search and changing the reference in terms of any other documents that are not being updated. That's quite a large task. They are accurate when they were submitted. And when you as you've got article two, six, I think it is that talks about a successor body that captures the situation here where the two authorities are merging and creating a successor body the North Yorkshire council. So because of that, and obviously they're certified documents, they're then brought within the remit of the development consent order. So because of Article Two six, my answer was no we don't need to do that. But certainly where we updated documents post the first of April whether you then have the North Yorkshire Council then I can understand at that point that wouldn't be in existence Selby District Council for example. So, we can look at doing that from any document that we resubmit after the first of April

1:13:37

okay thank you

1:13:40

should the special category land plan be included within sheduled 13?

1:14:08

Which gives them healthy options.

1:14:10

So the as we discussed the compulsory opposition here and yesterday, the open space relates to two plots. Those two plots are on the land plans identified as temporary possession. And because they are temporary possession.

1:14:28

Section 132 does not It's not triggered as a result of it being temporary possession and not an acquisition of a rights over open space. So there are no articles in the order that links to the open space so we don't see a reason for that plan to be a certified document.

1:14:48

Okay.

1:14:52

Then the next document, I want to ask whether it should be included the biodiversity net gain assessment

1:15:00

that's something that should be in sheduled 13.

1:15:06

Which gives them power of the applicants. So the bind, biodiversity net gain assessment. Section one is as you went through on Wednesday, the section one is just grievance deals with the bng assessment and the update to that

1:15:19

a draft which is before the examination, and that requires us to update that assessment and deliver the 10%. The key here is a commitment that you're that you have certainty that at least 10% of biodiversity net gain will be delivered, you've got the big assessment that is demonstrating where we think we're going to get to, we then have to update that following detailed design that is secured under Section 106 agreements, and also partly by requirements seven on the landscape and biodiversity plan. So again, as that document has to be refreshed, in light of detailed design,

1:15:55

know, as it's covered by the 106 agreement.

1:15:59

Okay, thank you. Does anyone in the room or online have any comments they'd like to make on shedule? 13? Yes. Mr. Boozman

1:16:09

Stewart Booth was just transition. Wakefield. Just a point of clarification. Really, the on the outline local employment plan is,

1:16:19

at least on my version in front of me is TBC to be confirmed. Will that be confirmed by revision four? And is it likely to be included? Is my question, thank you.

1:16:35

Which gives them half the applicants. So the

1:16:39

sometimes with examinations, things go out of kilter. And the we update the last deadline, when we had to update the develop consent order was at deadline to

1:16:50

Deadline two, we'd already agreed to do the outline local employment plan, but it hadn't been submitted at deadline to the outline, a local employment plan was submitted at deadline three. So it's now in the examination. A deadline for the DCA will catch up and the TPC in the table will be updated to refer to the revision and the date of that document.

1:17:13

Thank you for clarifying. Thank you.

1:17:18

Does anyone else have any comments they'd like to make on documents and plans to be certified?

1:17:25

Not seeing any hands. I'd suggest now is a good time to take Mr. GRIFFIS audits. I just I just hadn't got the one of six in front of me when I answered the question on B and G. And just to add a further colour to my

1:17:41

submission. The definition of biodiversity net gain assessment refers to the biodiversity net gain assessment as submitted as part of the application. So obviously covers the iterations that we're submitting throughout the examination. The next one we're submitting at is deadline five. So that's why does need to be certified document. The whole process of big updating and refreshing is caught by the 106.

1:18:12

Again,

1:18:14

I suggest now is a good time for us to take a break. So it's coming up to 1120. So I suggest we restart at 1140. And if I could just remind anyone watching the live stream that when we do recommence at 1140 You'll need to refresh your browser to view to view the hearing when we restart. Thank you