

**Mallard Pass\_ISH3\_13 July\_PT2**

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FULL TRANSCRIPT (with timecode)

00:00:05:07 - 00:00:08:13

It's time to resume the hearing.

00:00:10:20 - 00:00:16:02

So we're continuing with schedule two. This is requirements

00:00:17:29 - 00:00:23:18

and going through the questions that. We have a.

00:00:25:17 - 00:00:43:22

Requirement three relates to the phasing of the authorized development and the date of the final commissioning. Some of these points we are. But I was going to ask, I think we covered on day one when we talked about how phasing might.

00:00:45:15 - 00:00:51:15

Materialize. And just note that the interpretation actually in one and.

00:00:54:13 - 00:01:28:04

At the top of the year. Requirements schedule for data final commissioning says data. Final commissioning means in respect of each phase of the authorised development as approved under requirement three, the date on which each phase of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation during commissioning and testing. Does that sort of confirm that actually there might be one phase done that will then start producing electricity to the to the to the grid and then another phase will be done after that.

00:01:28:06 - 00:01:30:04

And it could be some time after that, which will then.

00:01:31:21 - 00:01:37:10

Produce electricity to the grid. That's the way it seems to be worded. Is that. No, sir. That's right. That is just.

00:01:38:27 - 00:01:41:11

In order to be provide clarity on on

00:01:42:29 - 00:02:03:10

definitions. So the within the requirements, there is a couple of references to the date of final commissioning and that the important point there is about. Essentially defining a start point in time. And what we are seeking to do there is ensure that we're not including the commissioning and testing phase for the solar farm.

00:02:03:29 - 00:02:22:26

Right, where the date on which each phase of the authorised development commences operation by generating electricity. It does appear to indicate that different phases will come into operation, so to speak, at different times. It does seem to. My reading of it is that that's

00:02:24:12 - 00:02:24:27  
mean.

00:02:25:01 - 00:02:26:23  
I'm just reminding myself of.

00:02:30:02 - 00:03:00:06  
But essentially it's because obviously throughout the schedule there are reference to phases and getting approval for things in phases. And you do that to allow for, you know, your landscape and mitigation scheme for one aspect might be finished before through the others. So therefore the data, final commissioning and definitions is also that's all consistent to allow for things to be discharged in phases.

00:03:02:00 - 00:03:22:05  
But nonetheless, is it the case, though, that this would allow this this would envisage almost the way it's worded or certainly allow for the fact that it won't be a case that the solar farm is constructed, albeit in different phases, and then at one point sort of plugs into the grid and starts, it will actually be a case of that could take place in different sections or phases.

00:03:22:07 - 00:03:56:25  
The commissioning could take place and different stages. Yes, I mean, think it's true to say that the doesn't prevent us from. Constructing in phases at the moment. Explicitly, it doesn't say you cannot. Construction phases, but this comes back to the point made on Tuesday and that the when we submit the phasing plan, which will set out the final timetable, that has to be in accordance, that has to show that it's not environmentally worse than the environmental statement. So whichever phasing strategy is shown, you have the reassurance that it can't be worse than what's been assessed.

00:03:59:19 - 00:04:01:13  
I think it's slightly different point.

00:04:03:00 - 00:04:18:01  
Got your point. And do understand what you're at, the query you're raising in respect to that data final commissioning. So think we'll take that one away and make sure that the two two are right. I'm not saying they're not, but certainly understand on the face of it while you're querying at that definition. So think we'll take that.

00:04:18:03 - 00:04:18:18  
Okay.

00:04:18:20 - 00:04:19:17  
Well, thank you.

00:04:20:14 - 00:04:22:25  
We'll have that as an action point for deadline for. Okay.

00:04:30:25 - 00:04:34:15  
Any further points on? The phase of requirement.

00:04:37:22 - 00:05:14:00

The Rutland County Council. Justin Johnson was just going to ask in terms of the the the phasing plan. It sets out the timetable for I think it's 0.2, sets out the construction for the phases of the things. I mean, I'm not entirely sure how that will be done, whether it's a plan marked up with phase one, phase two, or whether it will refer to to fields, etcetera. But that would be useful, I think, from the planning authorities side of things to to know which fields will be done at at any given point in time.

00:05:17:17 - 00:05:18:04

Okay.

00:05:19:12 - 00:05:22:20

Does that mean that's the intention? That's why paragraph one refers to a scheme.

00:05:22:22 - 00:05:30:27

So it's what would the scheme involve? Do we do? Have you considered what the scheme would actually involve? Is that what you're asking? What would actually what details would be provided?

00:05:32:15 - 00:05:38:23

Would it be fields X, Y and Z between May and whatever it might be in terms of the timetable.

00:05:39:02 - 00:05:48:02

And not in this stage? There think it would be. Um, because it would be really depend on what our phasing strategy is. You might not need to refer to fields a few minutes. Do it. No, it might.

00:05:48:04 - 00:05:56:12

Not be fields. It could be. But that's just a sort of simple way of looking at it. Given that there is a field plan with a different field of numbers on in terms of the understanding of it.

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But

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yes, we can take that away. At the moment it's deliberately not defined as to what the scheme looked like to allow for flexibility, but it's not guaranteed.

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And yet the scheme would essentially be drawn up at at the time closer to construction. But one can have a look at the On the Hill scheme that has now started construction and there was a very similar saying this for everyone. They can have a look. There was a very similar phasing strategy there. And you're quite right that that essentially the information that was submitted for discharge was essentially a Gantt chart showing when phases would start and which order, and then that correlated recall to a plan which essentially identified which phases they were so that so that it was understood by the local planning authority, the order of fields that they'd be constructed in.

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There was a slight nuance there that that there was a seasonal restriction on when piling could be undertaken and that that that influenced which fields could be undertaken at which which time of the year.

00:07:04:24 - 00:07:21:03

Okay. Is it helpful to have an information about what the return scheme might involve? Is that something which can be might be helpful? Don't know. To avoid discussions or disagreements further down the line when the local authorities have to discharge the requirements and the applicant submits it and.

00:07:23:25 - 00:07:35:22

It hasn't been done before in DCS. But, you know, if that's something the local authorities want to put to us, and if they wanted more clarity, then then as you said before, happy to consider it.

00:07:38:08 - 00:07:38:23

Three.

00:07:39:01 - 00:08:13:01

Justin Johnson, Rutland County Council. And I think that's a useful point. Think from our side of things. We're keen to give certainty to the developers and also certainty to the local community in terms of what's expected by these requirements. And so I'm not suggesting it will be relevant for all of the the requirements, but for some of them think if it can be spelt out that as a minimum, this will include, you know, plan Gantt chart or something like that, then then it does help to when we get to that point and have to discharge them.

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Okay.

00:08:14:07 - 00:08:14:22

I

00:08:15:24 - 00:08:22:02

mean, we would have to respond to that, but I think that needs to come from the local authorities so we can respond accordingly.

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Okay. We'll have that as an action point for

00:08:28:18 - 00:08:31:27

Rutland County Council. Okay.

00:08:33:22 - 00:08:38:09

And that's everything on. Phasing of the authorized development and.

00:08:40:00 - 00:08:53:12

Four is requirement for written approval and touches on. Think before what we were talking about before. Lancashire County Council. Is there anything else that anybody wishes to add? To that at this point.

00:08:59:09 - 00:09:10:15

But I've got no particular questions on that other than what was discussed. Okay. I've got a question about five, though, which didn't put in the. Agenda. So.

00:09:12:12 - 00:09:27:11

Forgive me for that. So five is the approved details and amendments to them. And this is understand, it allows for amendments to details that are approved subsequent to. Uh, requirements.

00:09:29:09 - 00:09:59:11

And perhaps any other articles as well. But also it allows a more seems to be a more generalised provision that allows post consent amendments to any of the. Approved documents, plans, details or schemes that goes beyond details that have already been present for the landscape management plan might get approved and there might be an amendment to it. So it has to be sort of approved again to

understand what would what would happen. But it also allows for amendments to any of the approved documents, plans, details or schemes and.

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First of all, just a little question, which there is probably a straightforward answer for. Is there actually a definition of approved documents, plans, details or schemes there in capital letters, which normally indicates there's going to be a is there a definition somewhere.

00:10:13:22 - 00:10:16:03

About it's the word before the brackets?

00:10:20:06 - 00:10:24:19

So together the approved documents, plans, details, or schemes. Right.

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So the in five one which they get in brackets together, the approved documents, plans, details or schemes. So there's no there's no actual definition of that. Just think.

00:10:37:14 - 00:10:38:19

It is a definition this is the.

00:10:38:21 - 00:10:41:18

Definition. Right. And see what you mean. Yeah. Okay.

00:10:43:09 - 00:10:54:05

Thank you. Yeah, that's fine. But this the other point, though, about this more generalized post approval or post consent. That flexibility for.

00:10:56:17 - 00:11:29:06

The approved documents, etc. to be. Approved later on changes those to be approved. Because there are processes involved. There are processes set out for changing development consent orders. Understand a bit about subject requirements. Details subject to requirements. There might be sort of changes to those through to separate submissions. Which is part what don't quite sort of understand, understand what it's saying, what it's saying. But it seems to be quite a wide power to to be able to amend any of the other details of the scheme. I'm not quite sure what that might involve, what the implications of it might be.

00:11:29:09 - 00:11:35:11

Some of the implications might be very minor, but some of the implications potentially might be might be more than minor. Don't know. And.

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I know it's in. It's probably a long field, actually, isn't it?

00:11:42:15 - 00:11:57:11

But I'm not sure. I'm not sure. It's completely widely precedented, but can you just explain that what the intention of that is? And apart from sort of giving flexibility for post consent changes, but what the existing processes aren't aren't okay for that.

00:11:58:00 - 00:12:10:17

So another reason would be keeping, for example, and it's fairly well presented in highway schemes as well. Um, give you three answers. Um, so the point here is that it's with.

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The, with.

00:12:11:08 - 00:12:44:07

The control that you have in paragraph five two, because this goes even further than the set of 16 in that it requires the to actively turn its mind to this question of whether the amendments would be in in your materially different effects from those assessments. So they can't be major changes because of that control. Um, and, and the point is, is that the is assessed what's the significant effect and identified them and the decision maker will decide whether that's acceptable or not in granting the DTA.

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And this allows for amendments within those, those contexts and those parameters to to change. Um.

00:12:56:01 - 00:13:20:18

Why is it included in this? Note you say those are the details, but while there have been lots of CEOs where it's not been included, is there a particular problem with this resulted from that in terms of a practical problem? Because there is a mechanism for an amendment to the CEOs that's been sort of evolved over the years, perhaps, but what's they're seeking to do, which isn't already available. It's there.

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So this in some ways is similar to the non-material change process that you're thinking about, for which there isn't. There isn't actually a defined period of time in which the Secretary of State to agree an application that's made pursuant to that process. What we're finding and and this probably reflects why it's newer or more recently made CEOs that have this provision and the older ones that don't is it's the older ICO's that are now being implemented. And the implementation of CEOs is flushing out a number of practical scenario CEOs that perhaps weren't envisaged at the time of drafting when they were done a few years ago.

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Offshore wind farms are a good example of that, where they may have been granted consent in 2013, 2014, but you know, are actually being built out now. Sometimes when it comes to discharging the requirements and you're liaising with a local planning authority, there is a flexibility not always sort by the by the developer, but actually by the local planning authority to say, well, actually, if you could do it in in a particular way, we can see that as being advantageous at a local level. Sometimes that can't be done because the document that referred to here, that form part of the order say that it has to be done in a particular way.

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So before, before, if you like, the consent process can be done at the local level. One has to go back through a non-material change application in order to get these documents changed. And it might be, you know, 2 or 3 words changed or shading on a plan, something very minor, but one has to prepare that application, go wait for the secretary of state to be able to turn their mind to it, particularly Department of Energy Security and net zero. And when they are able to do that, that change is granted and then it's back to the local level to to agree what's going on.

00:15:13:29 - 00:15:59:04

Well, that's all a bit convoluted, takes time and it's a bit unnecessary. So the point here is that this empowers the local authority to make a non-material change to these documents that have been approved in the first instance with the DCA and and and sometimes being frank about this, there's been concern. Well, doesn't that move doesn't that shift the consent that the secretary of state has granted without that secretary of state knowing? But the argument back to that is it's actually this the final wording of subparagraph two, which protects against that, because essentially we are only

talking about changes that the local authority deem are within the environmental statement or are not materially different from.

00:15:59:06 - 00:16:24:05

So we're really talking about non-material changes that essentially are envisaged by the by the environmental statement or really wouldn't make any difference to it. So there's a protection there that it's a pragmatic, non-material change approved by the local authority rather than a demonstrative change to the project that the Secretary of State approved. In that scenario, where it was a larger change, one would have to go through the statutory process and go back to the secretary of State.

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Okay.

00:16:25:20 - 00:16:45:22

I'm just concluding, Mr. Phillips point is that, of course, this doesn't refer to, for example, schedule one. Um, which is what we're seeking consent for in physical terms. So it's not allowing you to change what your scheme is. So there's no concern there that you would be through the back door of consenting a difference, a scheme that is different.

00:16:46:16 - 00:16:48:06

Okay. Um.

00:16:51:07 - 00:17:05:15

I always have questions about giving rise to any new material. The new what? Materially different environmental effects the word in this case, the word unlikely before that, which creates a bit more concern because it makes it unlikely to is a.

00:17:09:13 - 00:17:13:04

So think this in the context of the regulation of language of likely effects.

00:17:13:08 - 00:17:18:19

Just find it because it'd be interesting to know actually would for example would for example.

00:17:20:13 - 00:17:42:27

The introduction of a change? I don't know. I can't think of an example. A slight extension to where? The panels might be all inverters, might be something which would result in a minor, let's say a minor noise effect or a minor landscaping effect, any effect, for that matter. And previously there was no effect in that particular location. So would that count as a.

00:17:43:24 - 00:17:47:02

So it's just in terms of what kind of cans can I can ask.

00:17:47:05 - 00:18:02:26

I've got a specific example in terms of fencing. For instance, there's deer fencing proposed around it. If it was changed to security fencing or something like that, which I think was something that was raised earlier, would that be okay?

00:18:02:28 - 00:18:07:22

So another example. So with those examples, would those amount would those where would they fit with this?

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Well, the first one I want to make is that, of course, this is a requirement that's subject to their consent. So if you said no, you could say no.

00:18:19:00 - 00:18:58:19

But it's a good example. That's an example of something that could come forward in theory. Um, the, the application would be put to the authority to say pursuant to five, we've already approved the fencing, but for whatever reason local residents were raising it. The hypothetical that security needs to be tightened, then that application would go to the local authority. The local authority would then have to ask themselves, does this raise is it likely to raise a materially new effect, something different to in the environmental statement? If they conclude no, it doesn't, then they're at liberty to change it.

00:18:58:21 - 00:19:13:10

If they conclude it does, then they would say no and consent is refused under this. So then the only way you would be able to seek a change would be to go back through the non-material change route and see if the Secretary of State was prepared to come to an alternative view.

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In two of the different. That doesn't necessarily mean significant environmental effects, does it?

00:19:23:01 - 00:19:39:27

So if there was a change, the scheme which resulted in a new minor effect on noise or, or would that amount to a materially new or materially different environmental effect? Think the wording of it probably would do, wouldn't it? Because it's a new environmental effect. It's not significant, doesn't come into it.

00:19:40:07 - 00:20:05:15

So it's two things to that. It's obviously the reference to new and the different. And that question of materiality. If you consider, for example, the guidance on non-material changes the Secretary of State considers, that doesn't just that considers matters, land matters matters and also interests of the local community and residents in considering the factors to be taken to account.

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In this case, it's from those effects assessed in the environmental statement.

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So, yes, sir. But this is why new is relevant here. Um.

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So a minor noise effect would actually mean that this would it wouldn't count towards this. And minor noise effect, local authority would say, sorry, it's material in you or into the different environments of effect. So sorry we can't approve it. Yes. If they felt.

00:20:33:12 - 00:20:45:07

It was materially different, then yes, that's that's the position they would take. Obviously if it's a small noise change and they felt that isn't materially different, then they could say yes.

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And the point being, it's the decision whether they consider it as material or not.

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What's the process If they review something in terms of.

00:20:54:20 - 00:21:01:07



The the appeal mechanisms within within the audit? Which ultimately goes to the secretary of state, of course.

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Okay. Anywhere.

00:21:05:12 - 00:21:06:14

Any further comments?

00:21:09:25 - 00:21:23:06

It fills your self-esteem. In that last point, it's partly answered what I was going to say with that mean, we're obviously used to dealing with amendments, both non material and under section 73. And

00:21:25:26 - 00:22:11:19

just to expand on that point about the appeal route, it'd just be useful to understand sort of how this would work in terms of timescales, um, you know, how it would link to fees. Um, and also as, as I understand that you, you can't appeal refused non-material amendment, um, that can only appear sort of irrational judgements judicial review process. So just be useful to understand how that no real problem with allowing a mechanism that allows amendments because I think it's quite a sensible provision, but it's just understanding for our benefit how that would all work in in practice.

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How can our sponsor. Yes.

00:22:15:00 - 00:22:48:13

So a couple of points there. So, um, I would say that the, the analogy here is not section 73, it's 96 a um, and in the regime, um, the time periods, the time periods for this are as per the other requirements which are now eight weeks. Um, and then the point on fees um will come to it in a bit in terms of our proposals for that. Um, and then the last point is that, um, essentially what we're asking, what we're looking for here is a step before going to what we would have to do otherwise, which is the Secretary of State.

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So the point about the appeal is essentially, um, going to that second stage. What we're trying to do here is put a first stage to, you know, avoid having to go through that whole rigmarole for everybody.

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Okay?

00:23:06:17 - 00:23:09:06

Yes. Yeah. The appeal process is set out in this order.

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Yeah. And for clarity, that's to planning inspectorate. The appeal process is that.

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Counsel to the applicant. But of course, it's open to to local authorities to have a look at that appeal mechanism as well and offer comments if they wish to. And certainly, for example, when when was at this stage with Cleeve Hill, Swale Borough Council were involved and they wanted to see how the mechanism would work. And we we talked them through how it compared. But essentially it's importing the familiar planning appeal process into this with some different nuances around timescales and things. But then again, Swale had some input on that as well.

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So it with all of this, you know, that think the easiest way to think of what's required going forward is a bit like with a planning appeal where you try on a without prejudice basis to agree draft conditions in the event of decisions made. So, you know, if track change extracts can be sent across to us or anything like that, we can work through them.

00:24:08:25 - 00:24:36:02

I think that's sometimes what I've said before is that it is engaged with these things and that is important because if you don't engage, then you might not necessarily get changes that you would ask for. If you did engage, obviously it would be up to the applicant for the authority to consider that. But yeah, now's the time to be involved in those discussions and not necessarily part of the part of a hearing. We can only go so far to hearing, but you know, I've line discussions. Okay. Anything further on that?

00:24:38:07 - 00:24:49:05

Detailed design approval is six which. There have made some changes to this thing since the last iteration. Mr. Fox, could you just summarize those so everyone is aware of those changes, please?

00:24:54:20 - 00:25:02:26

Yeah. So at that point to um, we added in paragraph one. In response to an exam question.

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And in paragraph three and.

00:25:07:00 - 00:25:11:17

Drainage, water power and communication cables and pipelines. Yes. Okay.

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And then at paragraph three, just making clear that we've got to maintain the scheme in accordance with the details as approved.

00:25:22:21 - 00:25:29:08

Okay. Any views on six from anybody, including the local authorities? County Council?

00:25:31:08 - 00:25:38:08

These are matters that have to be approved by the local planning authorities before construction works.

00:25:52:02 - 00:25:54:06

Is there any justification in this case for the.

00:25:57:26 - 00:26:02:17

Private construction compound to be approved under this requirement or not?

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We would say no, sir, because that is purely driven by construction needs.

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In terms of potential implications it might have visually for two or more years. So and potential noise implications.

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And that's controlled through the various measures in the camp.

00:26:18:12 - 00:26:20:25

So where it could be done is actually in the camp. But.

00:26:22:17 - 00:26:23:04

Okay.

00:26:24:21 - 00:26:31:21

So Phil Jordan for South Kesteven Council. Again, we might come on to this, but for this requirement.

00:26:33:09 - 00:26:39:20

But the way I see this, this is akin to a reserved matters submission.

00:26:40:08 - 00:26:54:23

Think so? For. Yeah. For design. External appearance. Yeah. External appearance matters, isn't it? Think. Although it goes beyond that because it does include details of drainage, water power and things such as that and cables and pipelines. So which is not in there.

00:26:54:25 - 00:27:04:29

Again in terms of. Charging and fees would be a completely different sort of context to a condition.

00:27:05:04 - 00:27:13:11

We'll come back onto fees because I've still got that point in my. That's the point you want to make. I've got that point still to ask about later on in the agenda. Yeah.

00:27:13:13 - 00:27:29:08

And again, maybe it'll come on later, but potentially even in terms of timescales, I mean, there could be some big decisions made under that requirement which might require a different internal decision making. Okay. It might need to get a planning committee or something like that as opposed.

00:27:29:27 - 00:27:42:08

Probably schedule six hour discussion. I think Schedule 16 will probably be the time to raise that because that's the procedure for discharging the requirements. So we will that is on the agenda too. So do want to discuss that as well.

00:27:44:02 - 00:27:58:09

Do things such as footings to. The risks in putting the wrong. Would they be incorporated in this or are they incorporated elsewhere? So in terms of the actual.

00:28:00:00 - 00:28:09:25

Arrays presume they'll include this because they'd have to be external appearance, layout and scale. Would things like footings be included in this? And also by something.

00:28:09:27 - 00:28:11:19

Else, hard surfacing materials as well.

00:28:12:05 - 00:28:13:23

Good footings be included in that.

00:28:15:15 - 00:28:16:25

Hard surfacing material.

00:28:17:11 - 00:28:22:10

Well, the point is that we may not use them as discussed this morning. And then, yeah.

00:28:23:05 - 00:28:26:16

Materials in my mind, more paving and things like that.

00:28:28:03 - 00:28:46:09

Think. Think. Let's be clear on what this this requirement is doing. So in terms of if we use the concrete footings or not, that has specific environmental effects in terms of archaeology, which will be able to be dealt with pursuant to measures we set out on the I

00:28:47:27 - 00:28:58:24

would say that a concrete shape is a concrete shape. To the extent that we can change the external appearance of it. Then that would be three requirements. Six but wouldn't want to raise too much. So external.

00:28:58:26 - 00:29:01:01

Appearance would be the capacity, the.

00:29:01:03 - 00:29:03:22

Look of the concrete. Yes, but not the effect of it.

00:29:10:01 - 00:29:21:28

Uh, because there has been some discussion elsewhere on. The footings and the effect of them and. Actually the excavation required for the Et-cetera. Is that caught in? Where would that be caught?

00:29:22:15 - 00:29:38:22

In response to the comments at the deadline? Well, I think it was actually or it may have been your question. We did amend the outline, a deadline to which specifically requires us to set out if and where we are using concrete shoes right in the detail.

00:29:40:07 - 00:29:45:22

And so that would include the detail of them in terms of depth. ET cetera. Yes. Okay.

00:29:47:08 - 00:29:51:25

Mr. Willis, your hands up any. You might want to comment on something before, but.

00:29:52:24 - 00:29:53:21

Yeah. And thank you, sir.

00:29:53:23 - 00:30:25:07

Mike Wallace, Kings County Council. No, think. Think. The point I'm about to make probably applies for later, but I'll say and this one as well. I think the point I would say here is again, coming back to this point about the local the County Council's role or function within perhaps the process here. At the moment it's worded that it's obviously a scheme to be approved by the District Council rather than explicitly referencing any involvement of the County Council. However, there's matters that have been identified in item six and another ones which will come on to where we may have an interest.

00:30:25:09 - 00:30:37:12

So in the absence of being as the approving authority, is it not capable to perhaps as a specified consultee as they have done in other requirements elsewhere through statutory bodies?

00:30:39:02 - 00:30:41:10

Okay. Thank you. I'll put that to Mr. Fox.

00:30:41:12 - 00:31:12:27

I think I made the point earlier. If you want Lincolnshire want to be added to other requirements, then we would welcome suggestions for which ones and we can add them where we feel appropriate accordingly. In terms of time frame, Schedule 16 does talk about the interaction between the consenting body and the and the consultee body, which can come to me that deals with timings. But in terms of identification of Lincolnshire, welcome suggestions and we'll consider them.

00:31:19:14 - 00:31:23:25

Okay. Well, this is that. Answer your question. Yeah.

00:31:23:27 - 00:31:31:05

Yeah. I mean, probably saves me repeating it on the ones going forward. But yeah, the same point apply on several of the locations I'm sure.

00:31:33:09 - 00:31:49:08

Okay. I mean, maybe that's something that you can consider if a deadline for is just absolutely being sort of clear on what drafting changes you'd like to take place to the requirements on Lincolnshire County Council's point of view so that the applicant can then take those on board because it probably doesn't need to be a process for this rather than, uh,

00:31:50:26 - 00:31:55:28

yeah, sorry, I'm not going to create that here. So maybe just set in writing and then that can be dealt with.

00:31:56:16 - 00:31:57:12

Yes. Just.

00:31:59:16 - 00:32:00:01

On.

00:32:00:10 - 00:32:32:22

Sorry. I'm just gonna say, um, for drafting purposes, if you are going to suggest amendments, um, would just for drafting it, wouldn't it be an amendment of the definition of relevant planning authority because that has specific usage throughout the scheme. That's right. Throughout the SCA. So um, I would respectfully request it. That isn't the starting point. And then when you're considering drafting that, it's, it's identifying yourselves or as council planning authority as necessary within the relevant requirements and we can respond accordingly.

00:32:33:06 - 00:32:33:21

Okay.

00:32:33:23 - 00:32:36:15

I'll take that on board. County Council. Thank you.

00:32:37:05 - 00:32:53:02

Okay. Thank you, Mr. Willis. Right. Climate seven Landscape and Ecology Management Plan. Uh, there have been some changes to this too. Mr. Fox. Do you want to summarize what those are? And I'll just ask if anybody got any outstanding comments on this requirement.

00:32:55:06 - 00:32:57:14

So it's not that. Yes. Then on to.

00:32:59:04 - 00:33:20:23

We created a typo in B added D, which is the requirement that the detailed lamp set out the existing trees to be retained and in full. Just updated it as we did with most other requirements at that point. To be clear about relating to phases and being kept in place.

00:33:22:08 - 00:33:32:04

So just just mention. Some proposed changes in light of the discussion on Tuesday. Yeah, it's just to circumvent some issues

00:33:33:28 - 00:34:02:10

specifically in relation to the wording in paragraph. What's now in that game? Um, just to confirm that the point about the metric and the wording in longfield, the we will do that for the next deadline and also without prejudice to what set out on Tuesday in terms of how this requirement works with the we will also change the percentage number.

00:34:03:16 - 00:34:04:01

Right.

00:34:04:03 - 00:34:25:09

And we're working through at the moment what that will be. Say, as said on Tuesday, it won't be the number that's in the the um, the metric because it's the reason set out on Tuesday in terms of vagaries of the final design. Um, but we are looking to essentially to give ourselves a buffer to be able to put a number there.

00:34:25:16 - 00:34:32:20

Okay. I'm sure you will, but just include an explanation of that figure when you make that submission. So it's clear to everybody at that time. Yes.

00:34:33:05 - 00:34:33:20

Sir.

00:34:36:19 - 00:34:42:18

Okay. Any further comments now on requirement seven, which is landscape and ecology management plan.

00:34:47:21 - 00:34:48:22

Okay. Um.

00:34:51:09 - 00:35:21:25

Eight is fencing. What's happened to fencing? There's been an implementation. Clause added think following one of our written questions. If I was being really picky, it might just need a comma or something. When I first read it, it still doesn't quite work. And that it says maybe the way I'm reading it prior to the date of final commissioning of any phase, any permanent fencing walls or other means of enclosure for that phase approved under subparagraph two must be completed and properly maintained. It just almost sounds as though the properly maintained should be done before final commissioning.

00:35:21:26 - 00:35:28:00

As I read it, it's a very small point and expect it might just need some very small adjustments. Maybe it's just the point where they'd read it, but.

00:35:28:16 - 00:35:30:03

Say we'll take that away. Yes. Okay.

00:35:30:16 - 00:35:31:01

Um.

00:35:33:16 - 00:35:36:20

Any further comments on that? That's requirement eight.

00:35:39:18 - 00:35:54:19

I think requirement nine is surface and foul water drainage and. What's the current position on this one in terms of discussions with local drainage? Boards, etcetera. This relate back to the earlier.

00:35:56:05 - 00:35:56:24

Discussion.

00:35:57:22 - 00:36:08:18

And this was past the applicant and we've not had any comments from all the LFA, not that they've submitted reps to the process.

00:36:09:18 - 00:36:15:19

Okay. Rutland County Council, Lancashire County Council. Got any? Issues with this that they wish to raise Now.

00:36:17:01 - 00:36:29:06

Sir Rutland Justin Johnson from the County Council. Just to say that we are currently in the process of reviewing that section and would hope to make representations at stage four.

00:36:29:20 - 00:36:35:06

That deadline for. Right? Yes. Yeah. Okay. Thank you. Mr. Willis, are you in a similar position with that?

00:36:36:03 - 00:36:54:27

Yeah. Think I need to take that away and have a look at that. And obviously reflecting on the inclusion of local lead flood authority. Um, and again, the only issue I've got is probably a question about procedure because it refers to the approval of two different bodies out of local authority and relevant planning authority. So what would happen if the disconnect.

00:36:56:17 - 00:37:02:02

Okay. I'm presuming in those cases both approvals are needed for it to be approved. Yes. Is that right? Yes, sir.

00:37:04:03 - 00:37:11:13

Okay. Yeah. So both approvals are needed for it to be approved. So one refuses and one approves. It's refused. Yes, effectively.

00:37:15:12 - 00:37:15:27

Okay.

00:37:19:05 - 00:37:38:02

Now ten we think we've discussed, haven't we, in terms of there's been alternative drafting proposed and that's being considered? Yes, I think it required us. I think you explained before I've got. Yes, I'm happy to move on from ten for now, unless anybody else has got anything they wish to raise based upon the earlier discussion.

00:37:41:22 - 00:37:42:07

Okay.

00:37:42:20 - 00:37:50:01

Sorry, sir. Sorry. Sorry. Just. Just for the point of clarification, then kind of just repeat what that situation is, please, if you don't mind.

00:37:52:12 - 00:37:52:27

Okay.

00:37:53:07 - 00:38:28:02

Yes. So the the idea is that we. Sorry. Spokesman for the applicant, because we will be in due course submitting a version of the CI. Um, the intention is that once we've done that, we will update this requirement. Um, likely just to say that we must carry out the scheme in accordance with that document, um, to then allow everybody's focus to be actually on that document, because that document will be a framework which will include setting out where we will need to go to, which relevant body to for approval or consultation.

00:38:31:09 - 00:39:01:22

Okay. Thank you. Thank you. So, yeah, we'll look forward to look at that. I guess my only query would that be is in the event that there isn't an agreement. So that document's agreed up front and it ends up being a potential condition for submission of approval. It's whether again, how we deal with that as LCC as being involved in that you've included in historic England. So would suggest that it would be Lincolnshire County Council as well if it's not agreed upfront as part of a submission and.

00:39:01:27 - 00:39:09:08

Well, yes. Mr. Fox Yeah. Yes. But think our the applicants will be as suggested earlier.

00:39:11:26 - 00:39:23:22

Okay. Thank you. And again, as I said before, I'd encourage discussion between the parties on. That whole approach on archaeological mitigation and what that final requirement would be.

00:39:26:07 - 00:39:35:17

Right. I now can move. I've got no question about 11. If anybody has got questions about these ones and then put your hand up and.

00:39:38:26 - 00:39:41:17

Miss Allen, you've got a comment to make, presumably on archaeology.

00:39:43:18 - 00:40:00:10

And become predictable. Have an answer. Very, very quickly, just to. It's just a request, um, that rather than the word consultation with relevant interested bodies that it actually be that there is approval.

00:40:03:29 - 00:40:22:00

Because it's the applicant. Can we draw a line under this discussion? Because it's been made very clear that there is going to be a discussion offline where we can look at all of the drafting and if there is any disagreement over it, then either party can submit drafting without prejudice. So let's park that one.

00:40:22:02 - 00:40:35:18



Yeah, that's fine. I think it was agreed that that links were going to provide comments on all this sort of wording for approval by deadline four as well and can be taken forward if it's not taken forward previously in offline discussions. So thank you. Can all be happy.

00:40:36:26 - 00:40:44:02

Thank you. And I do apologize. I only raised it because say fine, the word consultation was just raised and just.

00:40:44:09 - 00:41:14:10

Understand to respond. I understand. Thank you. There. I've got. So Condition 11 Construction Environmental Management Plan 12 Operation of Habitat Management Plan 13. 14 and 15. I've got no comments on the actual wording of those requirements. Um. On. 16. Operational noise this is

00:41:16:00 - 00:41:18:11

requires the operation noise levels to be

00:41:20:16 - 00:41:39:20

at the rating levels are set out in the environmental statement are to be complied with. It might be quite helpful for everybody. There's actually a very sort of clear table somewhere just setting out what what those actual rating levels are so people don't have to go searching through chapter whatever it is of the environmental statements. Don't know quite where that needs to be, but it'd be helpful to have some.

00:41:43:03 - 00:42:01:00

Or some reference to it rather than it's just not very clear for people who are sort of it's obviously concern for residents noise and think to have clarity on what those levels are would be quite helpful. I'm not quite sure how you'd incorporate that into the requirement or you put a a reference in. Don't know. But can I leave you with that thought?

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

Yes. I'm conscious that you did make that same point in writing. So we hear that you're not happy with that and we will accordingly. I think the point we made in response to the question was just.

00:42:14:11 - 00:42:22:21

If we want to be clear, whilst also please authorities also clear to ourselves in terms of the.

00:42:22:23 - 00:42:30:22

Essence of things, it just makes it a bit more easy for people to look at it. If they're experiencing noise and they want to. Don't know. It's just clear of the people as what that what that what that limit would be.

00:42:30:24 - 00:42:31:25

Yes, sir, We can do that.

00:42:31:28 - 00:42:39:17

Okay. Any comments on that? On requirements.

00:42:42:12 - 00:43:16:06

17. Think we made the point in our written questions about does it need to be a lead in time for approval of the details submitted in regard of this in order for the local employment benefits, etc. to be. To be enabled. And you responded to say that it would take place anyway because it would have to be sort of carried out. My slight concern is that sometimes these things can be sort of done towards

the end of a process rather than the beginning of the process. And the practicalities of it could be that there's not enough lead in time for the relevant measures to put in.

00:43:16:08 - 00:43:28:07

And so the benefits that would accrue from this condition in terms of local employment, etcetera, or supply chain benefits or whatever it might be, are missed or diluted. Yeah, because it relates to

00:43:29:26 - 00:43:31:00

construction matters.

00:43:32:24 - 00:43:33:09

So.

00:43:34:24 - 00:43:40:22

Well, first of all, we can't start it until we can't start the development until it's done because that's the wording of the requirement.

00:43:41:03 - 00:43:48:15

That's true. But in terms of the the lead in times, the things that would need to be done for, for example, for local people to be involved in the construction process.

00:43:48:17 - 00:44:11:03

Yes. And I think the point that we make there is that the outline plan itself recognises that there's an order for the plan to be successful. It will need to be implemented as early as practicable prior to the commencement of construction. The activity set out in this plan will commence after the year has been granted. And so when we do, the detailed plan needs to be in accordance with this outline one. And so if we haven't done that, we won't be in accordance with that outline.

00:44:11:05 - 00:44:15:20

Okay. Remind me of the reference. You've got it of the of the outline plan. We can.

00:44:20:03 - 00:44:21:00

Sorry. 17.

00:44:31:18 - 00:44:38:00

So rep to 24 and the timescale section is section three of that document.

00:44:38:11 - 00:44:39:03

Right. Okay.

00:44:40:18 - 00:44:48:28

We can follow up with any questions on that if necessary in writing. But yeah, thank you for that clarification. Any further, any further comments on that? Mr..

00:44:49:00 - 00:45:20:11

Claffey Again, the applicant again, lessons learned from from Cleeve Hill. Um, alongside the, you know, getting the opinions of the local authorities on the drafting of things, that's, that's a plan that would be helpful for them to have a look at too, because it's practical reality sometimes, particularly local authorities when they're, when they're encouraging local labour type provisions, they want to advertise in a particular way or their particular go to enterprise groups or something like that. And you know that that information now is really helpful.

00:45:20:19 - 00:45:36:27

If they change over time, we can accommodate that in the drafting. So when the detailed plan submitted, it may be changing a name also, but it's quite useful to get that that information up front so that later on when you do discharge, the detailed plan is already there. Okay. Thank you. Okay.

00:45:37:00 - 00:45:37:20

Thank you.

00:45:40:16 - 00:45:44:17

18 decommissioning and restoration and.

00:46:00:06 - 00:46:17:21

Where it says in the second and third lines, it says within 12 months or such longer period of time that may be agreed with the relevant planning authority of the date that the undertaker decides to decommission any part of the authorised development. That sort of makes it clear to you that decommissioning might take place in phases is that the

00:46:19:19 - 00:46:24:09

set goes back to what discussed on on on Tuesday, but that seems to be the intention from this.

00:46:25:12 - 00:46:26:18

So that certainly could be the case.

00:46:26:20 - 00:46:27:05

Yes.

00:46:30:00 - 00:46:30:17

Again.

00:46:32:06 - 00:46:36:25

And you knew that subject to the the the wording in schedule 16.

00:46:52:19 - 00:47:03:20

My other question on this was, again, going back to that very wording where it says within 12 months. Of the date that the undertaker decides to decommissioning any part of the authorised development.

00:47:05:21 - 00:47:15:00

Does that wording not allow a situation where the actual development might stop producing electricity and the undertaker only decides to decommission it two years later or longer? Thank you.

00:47:15:02 - 00:47:32:17

Sir. Um. We had a visage. This question might be asked. And I think what we are proposing is that we will amend this, the wording here, to essentially require us to give notice of when we made that decision.

00:47:36:03 - 00:47:37:11

To essentially start the clock.

00:47:43:10 - 00:47:44:12

And would that prevent the.

00:47:46:11 - 00:47:50:26

Well, yes, because once we've made that notification, we have to submit the plan within 12 months.

00:47:51:12 - 00:47:52:15

Okay. Well.

00:47:53:05 - 00:48:06:05

And why wouldn't want to do is is make this reference to stopping the production of electricity because there may be any number of reasons why they may pause for a short amount of time. Um, including the national grid telling us to stop.

00:48:08:06 - 00:48:08:21

Yeah.

00:48:08:23 - 00:48:10:25

So we'll put the requirement in.

00:48:11:03 - 00:48:15:23

Okay. The deadline for. Okay. Thank you. Mrs. Holloway, did you have a point or question.

00:48:16:19 - 00:48:38:04

Action group just for clarity? Um, does that still give a timeline once they've announced they're going to decommission it? How long then the decommissioning would take? Because it could be two, three, four, five. It doesn't seem to be an end date on that. It's just the timeline. The 12 months is the time to announce it, not actually to complete the decommissioning.

00:48:39:23 - 00:48:40:08

So

00:48:41:16 - 00:48:55:07

that said, the idea is that within 12 months of us notifying so stops, we get to submit the them and then the stamp is approved. And within the week you would be setting out when the activities are taking place.

00:48:56:07 - 00:49:01:01

So that still doesn't give any indication of the maximum timeline to decommission it.

00:49:03:00 - 00:49:05:21

But that would be set out in the temp that the LPs would be approving.

00:49:08:07 - 00:49:11:15

So it's the time that's appropriate.

00:49:14:00 - 00:49:37:02

Yes. For clarity. Now, there isn't a timeline set out for decommissioning that will be that will depend on the best practice for decommissioning in full 60 whatever years time we talk about, um, and then whatever is submitted to the local authority in that decommissioning environmental management plan that will govern what the timescales are.

00:49:42:09 - 00:49:45:12

Okay. Thank you. If you've got any further submission.

00:49:46:22 - 00:50:01:18

Then I assume that means that they approve that timeline, rather than being told what the timeline is, that they get to approve that timeline so that you don't have an open ended situation where it takes ten, 15 years, whatever.

00:50:01:20 - 00:50:03:28

Yes, because they approved with them.

00:50:05:04 - 00:50:21:00

So that will be provided that revised drafting for deadline for think. If you haven't any further comments on that, then provide them for deadline five. Mean we'll consider it as well when it comes in when we see it. That's probably the best way to approach that.

00:50:21:07 - 00:50:42:05

Gareth Phillips The applicant, it's worth noting as well, we don't have to wait till till later deadlines. So what commonly happens on other echoes is that if people have interested, parties have have detailed questions on matters of drafting, they can be sent across to us. We can very well be that a deadline. We can actually say these were agreed. These are still being worked on.

00:50:42:22 - 00:51:20:06

These won't encourage offline discussions, informal discussions outside of the examination. What don't want to do is for these sessions to become a sort of drafting sessions. So by all means, yeah, have that. Bearing in mind what we said earlier, I said earlier about the fact that we need to get the development consent order progressed as far as possible, whatever the recommendation. So it's a completely without prejudice situation. Okay. That's that's my questions on the requirements that are in the draft development consent order. Let's make a couple of other points about other possible bits which might or might not be necessary and maybe come back in writing on these if you don't want to do today.

00:51:20:08 - 00:51:20:23

But.

00:51:21:21 - 00:51:23:00

The highway works.

00:51:23:12 - 00:51:27:13

Approved under condition. Sorry. Requirements six.

00:51:29:02 - 00:51:38:12

Is there a mechanism somewhere to make sure that the permanent highway works are carried out prior to the construction of the development?

00:51:39:29 - 00:51:44:10

Is it? I don't know if it's somewhere else. Could that be checked?

00:51:46:13 - 00:51:56:02

And just to make sure that the the usual sort of highway requirement highway works to be carried out before before the commencement of

00:51:57:18 - 00:51:59:03

the development operation.

00:51:59:05 - 00:52:07:25

So the, um, the passing place is, um, that is set out in the design must be done before construction. What about the.

00:52:07:27 - 00:52:09:25

Distances, the actual vehicle accesses?

00:52:10:09 - 00:52:12:21

Um, I will have to check that.

00:52:12:23 - 00:52:21:25

It may be covered in one of the plans. Don't know. I've not looked. Just. I just think this came up. Think when was just looking through long field. This was something notice. Which have we got that in this one. I'm not sure.

00:52:22:17 - 00:52:28:00

So we'll take that away but would say that's in the context that we are predominantly using existing.

00:52:29:01 - 00:52:36:15

New ones too. Think okay, if you can consider that and we don't need to discuss that further here. Uh.

00:52:40:04 - 00:52:47:18

Points that would note. Perhaps you could respond in writing as to what the differences are. Notice that Longfield also has a permissive path requirement.

00:52:49:24 - 00:53:04:19

Don't know why that was. And again, don't want to. You know, I've raised longfield a few times in this session, but I'm the first to say that, you know, every case is different. But in terms of securing what's needed for those don't know if that's an advantageous thing or not or the reasons why that was. In that case.

00:53:05:27 - 00:53:07:12

We have it in requirement seven So.

00:53:11:02 - 00:53:18:11

Requirement seven. Seven? Yes. So primitive paths are included in that.

00:53:20:15 - 00:53:23:15

You have 70. Yes. Yeah.

00:53:31:18 - 00:53:38:27

Okay. I'm assuming that does the same thing as the what a separate requirement would do. Okay. And.

00:53:42:21 - 00:54:17:04

Are there any other requirements that anybody would not raise or any new requirements that people think are necessary? I think if there are, again, going back to several discussions and points that have been made, now is the time to suggest those for the applicant to consider. And obviously drafting to be provided is helpful as well. But if there's anything that you feel has been missed and think now, you know, at this point of the examination is when it really needs to be considered. And absolutely, you know, informal comments can be made to the applicant about that as well.

00:54:17:07 - 00:54:30:13

Rather than waiting for a decision for a deadline. I'm absolutely happy with with that. Obviously, an update we require it's a deadline. So if that can be given any particular consideration, then that would be helpful. Okay. So sorry, sir. Sorry.

00:54:30:15 - 00:54:42:09

Just before we move off in five minutes. I suppose just thinking logically through your point about access is the requirement set to to pre commencement? Condition. Um,

00:54:44:15 - 00:55:00:28

and so when we when we submit that, including that and the phasing and we've got to carry out in accordance with the phasing and then. Together. That means that you would have to do it beforehand. But we can see we can consider if that can be tightened to make clearer. But think that's the logic.

00:55:01:00 - 00:55:12:25

Can't think through the logic to whether that would work or not. Now so you could clarify that then. As long as it's a mechanism to make it work, then that's that's my only point on that. Yeah.

00:55:21:13 - 00:55:22:00

Okay.

00:55:24:01 - 00:55:25:15

And we've discussed earlier on.

00:55:29:20 - 00:55:31:26

Mr. Hughes, you have your hand up. Sorry. Yes, go on.

00:55:32:27 - 00:55:33:15

Just wanted.

00:55:34:06 - 00:55:51:11

John Hughes interested party. Going back to the applicant's response to your questions, I picked up. I brought up the issue. So it was probably related to what I said in relation to the construction of the current buildings that are in the

00:55:53:25 - 00:56:03:23

industrial estate, which was used to justify the location and the building of the substation pick up in appendix O.

00:56:07:06 - 00:56:22:10

0107. The actual planning application documents that have been submitted for the Meadow Park Industrial Estate Planning application, which aren't the buildings that are actually adjacent to the East Coast main line.

00:56:23:12 - 00:56:23:27

Um.

00:56:24:00 - 00:56:50:01

And it was those buildings that the applicant was using for justification of the siting of the substation saying because those buildings are there, you've got the current rail substation. Um, they believe that the siting substation and those buildings sort of

00:56:51:29 - 00:57:10:18

don't complements the correct word, but they're using that justification for those buildings. But actually the. The request for having that Meadow Park Industrial site planning application document in there relates to a building that wasn't applicable. Um, that's in the middle of the current industrial site. Okay.

00:57:10:20 - 00:57:13:10

Which agenda point are we talking about on this?

00:57:13:20 - 00:57:15:09

It's yours.

00:57:17:04 - 00:57:18:04

Me. So I guess.

00:57:20:17 - 00:57:22:10

Is this in connection with a requirement or.

00:57:25:03 - 00:57:33:06

Well, it's what I'm. It's an error in the data. I believe it's the applicant's responses to QAs first written questions.

00:57:33:10 - 00:57:43:28

Maybe this may be a separate matter. 9.8, right? Is this a terms that maybe go beyond What's the matter? Which I'd just rather stick to today? Okay, but think how.

00:57:44:01 - 00:57:48:03

Okay, I'll ask then. How do I address it if I believe it's the wrong data?

00:57:48:10 - 00:58:05:04

Think. Just provide. Well, you can provide a submission for the next next deadline. Okay. It's probably the best thing to do. Or you can go to the applicants and ask them for a directly. But whether or not that's a convenient thing or not, I'm not sure. So if you're not comfortable to do that, then provide it at the next deadline it will get picked up.

00:58:05:06 - 00:58:09:04

No, that's fine. It was only because it was responses to your written question. Okay.

00:58:09:07 - 00:58:40:24

See? I see. Thank you. Uh, yeah. There was a deadline for responses to a written question. Written response to responses to written questions. But think if you provide that for the next deadline, that will be fine. And I'm sure that can be looked at and looked at and addressed. Thank you. Okay. We're at a I think that deals with requirements unless anybody else has got any further comments. So moving to schedule three. Legislation to be disciplined.

00:58:41:27 - 00:58:50:21

Probably quite a simple question to get what's the link between schedule three and Article six? Why are the two necessary? Because they involve different, different things.

00:58:50:25 - 00:58:59:18

So Article 6.2, schedule three. Um, and it's because Article six. Um.

00:59:03:29 - 00:59:16:09



And it's more specific in terms of what it's relating to, whereas article. So schedule three is. Simply just applying those that legislation.

00:59:19:14 - 00:59:19:29

Right.

00:59:22:02 - 00:59:24:15

Okay. And we asked for.

00:59:26:02 - 01:00:01:08

Details through the written questions of why these are necessary and think Network Rail have agreed that the ones relating to them. And I think they're happy with that. But in terms of the other ones, I was expecting a bit more detail on. What they actually what those particular provisions do just to make sure that. There's no particular issues which occurs in the secretary of state need to be aware of for the avoidance of any any doubt. They've got no idea what, for example, the Lincoln Waterworks Act 1846 applies to.

01:00:02:11 - 01:00:08:05

I'm not doubting the fact that they they that they can be supplied, but just simply don't know because don't know what they do.

01:00:09:04 - 01:00:32:23

So that's part of our problem too, and that's why they're included. The exercise that we go through is quite involved in terms of, you know, we think about the list of relevant keywords that relate to the development. And, you know, we use various resources, including dusty old books, to try and work out what is actually relevant to the kind of geographic scope of where we are.

01:00:32:25 - 01:00:42:25

What about the Anglian Water Authority? Because that's at least that's fairly recent, 1977. I get that 1 in 1806 might be difficult possibly to find out what their they were aiming to do, but.

01:00:44:07 - 01:00:52:16

I mean, we can take away trying to find that act, but the approach to creating that schedule is a real one.

01:00:52:22 - 01:01:14:27

Okay. I mean, I wouldn't want to get caught out by an act which still is applicable. Thinking about recent High Court challenges on Yes. In London on such matters. So on the Holocaust Museum, for example. So I think that's something that would be quite good for the avoidance of doubt to get as much clarity on possible to make sure there is nothing lurking, which I know it's a slightly different point, but it's, you know.

01:01:14:29 - 01:01:27:26

Yes, sir. Um, the point on on the schedule day and the way it's talked to you by requirement six um, is to say that it is disciplined so that, um, the Holocaust Memorial situation wouldn't happen.

01:01:27:28 - 01:01:45:29

No, no, it's slightly different, but just more just in terms of actually, if it is potentially still relevant, it still could be relevant. There's no limit to an age of an act which makes them and makes it relevant or not applicable as far as I'm concerned. Also, as I'm aware, maybe maybe there is, I don't know. But by all means sort of tell me that's the case.

01:01:46:26 - 01:02:16:15

I think the point of Article six is, is to say that to the extent to any extent that those acts are relevant, they are applied. So there can't be that issue because that's the point of the provision. There'd be a different question in terms of. Whether they should be. But the question of whether there is a concern that something missing. That's the whole point. We've taken a precautionary approach because we're not sure to say that to the extent that that act could apply. It doesn't just want to be.

01:02:16:17 - 01:02:33:19

Sure there's nothing sort of missing where it might actually be applicable, might be applicable to the site. Don't know. Don't know. It's just that lack of information creates, you know, a little bit of ambiguity and just, you know, for the avoidance of doubt, it might be helpful to get as much information as is possible. There is no information in which case. Well, that'll be that.

01:02:33:21 - 01:02:40:27

But yeah, we'll take that away, see what we can if you can find more. Um, we're just trying to give a research.

01:02:41:13 - 01:02:57:15

Note that because Network Rail do not object to the railway ones, I don't think that's necessary for the railway ones because Network Rail has given us the assurance that that's not an issue. So those I'm not concerned about. So it's the non railway one. So at least that takes out. In fact, that takes out five of them doesn't it? Now three of them. Um,

01:03:02:13 - 01:03:03:20

okay. Uh.

01:03:05:25 - 01:03:09:21

Scheduled for. I think there have been some

01:03:12:08 - 01:03:19:00

minor updates to that, which I've probably don't need to raise at this point because I think there's a clear in writing.

01:03:22:22 - 01:03:23:09

Schedule.

01:03:25:16 - 01:03:32:19

In fact, all the schedules. I've got no particular points to raise at this point in time.

01:03:34:06 - 01:03:44:12

Again, if anybody does have to sort of looking in detail and, you know, in the next few weeks, really is the time to make any any comments. So I propose to go all the way to

01:03:46:08 - 01:03:47:03

schedule.

01:03:51:01 - 01:04:15:04

And quite a few. These are actually related to compulsory acquisition, which we're going to be covering tomorrow. Schedule 13, just to point the documents and plans to be certified. I think you probably are. I hope you are. Can you make sure that's updated throughout the examination as required? Yes, ma'am. Okay. Schedule 14 arbitration. Rules. Can you just give a general overview of these?

01:04:17:05 - 01:04:46:19

Yes, sir. Um. I'm pretty sure this was something that my colleagues left innovated within days. But the reason that they're there is because particularly in the protective provisions, most of the dispute resolution references there are to arbitration. And the idea of the schedule is to provide certainty to what otherwise would essentially be have to try to be agreed between the parties separately or the use of the

01:04:48:18 - 01:05:02:27

best practice in terms of arbitration. So this schedule is there to give as much as it's essentially the statutory undertaker version of Schedule 16. Um, if I can draw an analogy, it's trying to give certainty for everybody about how disputes would be dealt with.

01:05:04:02 - 01:05:25:24

Okay. Any comments on those at this time? Okay. And then schedule 15 protective provisions. I think you probably already answered this. I don't know if there's anything further you want to say on these. This is not what he said in writing or any further update, which can't be covered tomorrow even and.

01:05:26:14 - 01:05:27:19

Can just briefly run through the same.

01:05:27:27 - 01:05:28:17

Thing. Okay.

01:05:28:23 - 01:05:36:14

So um, Anglian water revisions are agreed and other versions that are in the latest draft.

01:05:38:29 - 01:06:08:29

Cadent gas. Agreed. Um, reflected in the latest version of DCA. Similarly for National Grid electricity transmission and national gas transmission, um, electricity distribution, uh, KPIs are agreed and reflected in the data. Um, we completed the, the side agreement with them last month, so I believe they have withdrawn their objection.

01:06:09:12 - 01:06:13:11

Um, and cadent either have or very shortly going to,

01:06:15:13 - 01:06:25:04

um, Environment Agency. Um, not yet. Agreed, but think very close to any 1 or 2 points outstanding.

01:06:25:06 - 01:06:28:07

When are you expecting agreement on that with the Environment Agency?

01:06:29:12 - 01:06:29:27

Um.

01:06:32:06 - 01:06:46:03

Certainly for the end of examination. We're just waiting for comments back from them at the moment. Okay. Um, but. I don't think there's anything majorly substantial in dispute. It's just getting the the wording exactly right.

01:06:51:06 - 01:07:10:13

And similarly with network rail text provisions. Again, we are in discussions with their lawyers and again think only 1 or 2 sub paragraphs are in dispute at the moment. Um, and yes, we are trying to finish that as soon as possible.

01:07:10:29 - 01:07:12:02

Which paragraphs?

01:07:14:12 - 01:07:15:21

If you have that.

01:07:18:23 - 01:07:23:24

If you're going to view the network rail ones are. Well advanced. Yes.

01:07:30:01 - 01:07:33:10

So you're expecting those to be finalised?

01:07:34:07 - 01:07:43:00

I would like to be optimistic and say by deadline five, but the other side aren't here to be able to say that that will definitely be the case. But um, I think, um.

01:07:43:12 - 01:07:47:08

Are there any major impediments from, from the applicants point of view on that? No.

01:07:51:07 - 01:08:00:15

Think given compared to the multitude of examinations I've been in. We've made pretty good progress. Um. Yes.

01:08:00:25 - 01:08:01:10

Okay.

01:08:05:09 - 01:08:19:00

Okay. So that just leaves us with schedule 16, which is the procedure for the discharge of requirements and related issues. Uh, and there's been several changes to this. Think in the last

01:08:20:15 - 01:08:31:23

iteration you just summarize what those are. And I just want to find out what the remaining, if any, concerns there are from the the parties that we have here and online today. Yes, sir.

01:08:32:05 - 01:08:40:06

Um, so in paragraph three two, we changed from ten days to 20 working days.

01:08:41:19 - 01:08:48:05

Um, just just clarify what that's for. What that does. What that relates to, Rather.

01:08:59:07 - 01:09:05:00

So that's when the relevant planning authorities received our requirement discharge request. Um.

01:09:07:24 - 01:09:15:25

Considers that further information is necessary. Um, it gives them 20 working days instead of ten working days to to make that decision.

01:09:16:03 - 01:09:16:18

Okay.

01:09:24:12 - 01:09:40:02

The paragraph. So paragraph three was changed to enable the relevant planning authority to have ten rather than five working days to issue the materials to the consultee body.

01:09:51:12 - 01:10:02:12

And in the process of doing that, we've again increased the timelines for them to notify us that they feel that third information is needed from 5 to 10 days.

01:10:05:10 - 01:10:08:27

And in any event, within 20 rather than 15 days of the receipt of the application.

01:10:11:00 - 01:10:11:15

Um.

01:10:14:12 - 01:10:28:05

The deadline to, um. We did change the overall time period for discharge to eight weeks. In paragraph two one.

01:10:33:11 - 01:10:37:07

And we note that at deadline.

01:10:39:13 - 01:10:40:01

Three.

01:10:40:16 - 01:10:41:19

South Kesteven

01:10:43:04 - 01:11:11:12

has asked for ten weeks rather than eight. Um, I would say at this point we is not minded to make that change. And we started at six, um, essentially asking for an extra month given we're trying to deliver an end set here. Um, the, um, although we are mindful of what we said earlier in terms of different requirements and we will take that away.

01:11:12:27 - 01:12:02:05

Um, the last point is about fees. And I know that the local councils have said various things on that, um, both this week and in writing. Um, just want to break it down that the applicant does agree that there needs to be some kind of regime. Um, we consider it would be easier for all parties because actually on the face of the PTA. Um, and what we are going to be proposing is one that's based, um, not simply applying the regime, um, but actually, um, looking to create a essentially a graduated fee scale where depending on the type of requirement that's being discharged, um, certain fees will be, um, g.

01:12:03:05 - 01:12:05:25

And process by which that happens.

01:12:06:12 - 01:12:06:27

Um.

01:12:07:29 - 01:12:31:29

We we imagine that that will likely be agreed through some form of side agreement because that will then allow for things like the councils, invoicing systems, etcetera, to be accounted for within within whatever is agreed. Um, we are anticipating being able to send the councils our proposals in this regard. Um, if not this week, then as early as possible next week.

01:12:35:21 - 01:12:40:28

But we fully acknowledged that it will make sense for all the parties if there is some kind of fee regime in place.

01:12:47:10 - 01:12:50:16

Okay. Thank you. Do.

01:12:52:02 - 01:12:55:06

So if Stephen or Rutland want to comment on what's been said.

01:12:58:03 - 01:12:58:22

Mr. Jordan.

01:12:59:22 - 01:13:11:11

Phil Jordan for South Stephens District Council. Just on the first point around the time frame. I think they were our suggestion for ten weeks was taken directly off the long field.

01:13:14:16 - 01:13:16:19

So I just question why that

01:13:18:11 - 01:13:21:24

could not be reconsidered. Um,

01:13:23:12 - 01:13:25:07

but also sort of note the point that

01:13:26:26 - 01:13:46:07

the applicant would be open to discussions around different requirements and different timescales. I'm just thinking, particularly in relation to things like the detailed design, that could be something that given our internal decision making processes, we might need a longer period of time.

01:13:52:23 - 01:14:00:05

Okay that the long field is that ten weeks for all requirement discharges? Was that actually in the final iteration?

01:14:02:27 - 01:14:03:12

The final.

01:14:04:25 - 01:14:10:26

Film. As I read it, it was ten weeks for all requirements.

01:14:17:03 - 01:14:20:01

Okay. Thank you, Mr. Johnson. Do you have any comments?

01:14:21:01 - 01:14:30:16

Thank you, sir. Justin Johnson, Rutland County Council. Only to say that the council would welcome seeing the fee structure as soon as possible so that we can

01:14:33:13 - 01:14:36:19

hopefully get that agreed as again soon as possible. Thank you.

01:14:40:10 - 01:15:15:17

Okay. That's a mean on the face. We we will looking to do that and that's impossible. And on and on. Time limits. Think think it's worth restating, um, that you know, this is National National Certificate infrastructure project and we do want to get get on with building it. But we do recognize the comments from councils earlier. So think, um, think what would say is our position is unlikely to be that we would move to ten weeks or requirements, but we will consider certain requirements. Um, based on the feedback from today where, where we could look to have the different timescales and.

01:15:15:19 - 01:15:44:10

Mr.. Um. Mr. Jordan turns your request for a ten week request. Think that's something that you were putting forward, then? It'd be helpful for examining Friday's point of view for you to set out. Why? That's particularly required for the council in terms of procedures or whatever it might be, be helpful to us in considering this matter, not now, but in writing, so we can understand if there is any sort of reasonable justification for for that. Yeah.

01:15:46:11 - 01:15:48:14

And Mr. Willis.

01:15:50:29 - 01:16:23:13

Yeah. Thank you. Mark Wallace, Lincoln County counsel again, went over that point, but it's been said. Think we would agree with Mr. Jordan regarding the time frame, but given the precedent on long field, I think we've heard in previous hearings that Mallard pass scheme is a larger scheme than the long field. So if you know, ten weeks is deemed necessary for some of the detailed discharge for that scheme, we'd advocate the same. Um, also given the the unconscious, there's a deemed discharge potential implication there if the schemes aren't approved.

01:16:23:15 - 01:16:38:10

And um, I think mindful that, you know, that longer period enables those internal processes to take place and again welcome the conversation around drafting. But kind of be clear is that to sit outside of the Echo and not have a standard clause within the DCI.

01:16:39:29 - 01:16:58:29

Stems was path the applicant attempted fees? Yes. We suggest that's an outside, if not only just because of the graduated approach, but also practically think it makes sense to have an agreement about processes as much as what the actual amounts are. And it's not really these things don't really work in that context.

01:17:00:24 - 01:17:01:26

So sorry.

01:17:02:13 - 01:17:11:27

Dustin Johnson Rutland County Council. On that point, is it not possible to have a line in the that makes reference to this separate fee schedule?

01:17:14:12 - 01:17:29:13

We consider this half the applicant. But think what I'm saying is it's not just a fee schedule. Um, it's it's a whole approach that's easier to put into the side agreement. And if we've signed up to it, then it's a, you know, a contractual requirement.

01:17:32:09 - 01:18:06:11

So it's the applicant again, Cleeve Hill, because it's gone through to construction stage. Essentially what would happen has happened there is that there's a planning performance agreement put in place for the discharge and requirement stage. And it's not just a fee schedule, but it's actually a mechanism by which local authorities can say what resource they think they're going to need in order to discharge

particular requirements, recognizing that some requirements will have more material than others to approve. And then essentially that's something that's put across and there's a negotiation between the parties in order in order to get to it.

01:18:06:13 - 01:18:41:13

So that that's what my colleague is referring to. Essentially, we have a contract with the local authorities in question, and that deals with how we establish what resources, what the price of that resource is recognizing between now and if the is granted and if it is the time between then and and later on, inflation goes up, the costs go up. So that's why there's better to deal with it in a contract rather than have it in a DCO because you wouldn't want to keep having to amend the to deal with this. So we just it's better to have the flexibility in the contract and it's worked well for Cleeve and others alike might imagine.

01:18:41:22 - 01:18:42:08

Thank you.

01:18:42:12 - 01:18:42:27

Okay.

01:18:43:19 - 01:19:08:13

Just to add a couple of points, it's one longfield was a bigger scheme. And also, if you look at other DCS, there's less so think, you know, precedents and what precedents are in this context. Um would also there was a concern there raised about deemed would just point to paragraph two for schedule 16 where the deeming is deemed refusal not deemed consent.

01:19:15:24 - 01:19:24:19

Right. So on that last point is just for clarification for everybody, for requirements if there's no decision. Is deemed to be refused.

01:19:27:03 - 01:19:27:19

Yes.

01:19:28:12 - 01:19:50:15

Sir. Justin Johnson, Rutland County Council. My understanding was that that deemed refused was for points that where it was materially different to the but for other forms of discharge, it was deemed approved. I don't have to. I'll need to look for the specific.

01:19:51:29 - 01:19:53:00

So yes, you are right.

01:19:53:02 - 01:19:54:03

Was a bit surprised as well.

01:19:54:05 - 01:19:54:25

Sorry. Yes, Sorry.

01:19:59:04 - 01:20:02:15

And but yeah I mean given that think the.

01:20:04:02 - 01:20:05:23

Discussions about time frames will continue.

01:20:06:04 - 01:20:17:15



Okay. And think again from our point of view with the examining authority that if a submission is being made that a longer period is required, then that needs sort of justification as to why that is.

01:20:20:18 - 01:20:52:26

Mr. Jordan Phil Jordan for so. I just wondered as well in that deigned approval mechanism whether it might be worth having some differentiation between, as we do with planning conditions, there are certain matters which are excluded from deemed approval that are guess because of the sort of significance of the maths of things like drainage and archaeology. Um, certainly like a reserve matters scheme would never be deemed approved.

01:20:52:28 - 01:20:57:07

Just wonder whether it would be helpful to differentiate between some of the requirements.

01:20:58:23 - 01:20:59:27

Okay. Thank you.

01:21:00:21 - 01:21:03:14

Will respond to any proposal on this, but.

01:21:03:24 - 01:21:31:13

Almost seems to me as though there needs to be almost a separate meeting set up to discuss these things outside of the examination. Then you can come back and report examination and where you are. I think a lot of these points seem very, you know, from both sides understand the points being made. But almost getting into a meeting that sounds more like it should be a separate meeting to discuss all these points. So wouldn't would encourage that. And then where there are disagreement at the end of the day on anything, come back to us at the relevant deadlines with those and the reasons why or in your statements of common ground.

01:21:31:15 - 01:21:37:19

But yes, agreed to subject to receiving those proposals from them. Okay.

01:21:39:19 - 01:21:41:15

Okay. And I.

01:21:42:19 - 01:21:43:08

Think.

01:21:45:24 - 01:21:46:09

That.

01:21:46:11 - 01:21:47:08

Has got us to.

01:21:49:16 - 01:21:57:01

The end of all the items that I wanted to discuss. Any further points before we move to the action points?

01:22:01:27 - 01:22:12:20

Right. Mr. James, are you happy to go through. You've drawn the short straw with this. Hearing normally produces a few action points. So short straw, but long list. Yes, exactly. Um.

01:22:13:04 - 01:22:16:16

Okay. Yeah. The first one schedule changes to the draft

01:22:18:06 - 01:22:24:04

to reflect the various iterations of amendments and update to that schedule. Um, is that deadline.

01:22:24:06 - 01:22:24:22

For.

01:22:27:10 - 01:22:35:06

But nothing I think, was gonna suggest that it would accompany whenever we submit the next DCA. Given all the actions you're about to say, imagine that we'll be deadline for

01:22:39:18 - 01:22:40:15

the guys.

01:22:40:17 - 01:22:45:22

The application to update the details reflect the latest dates and lively references.

01:22:47:18 - 01:22:49:16

The game is up for.

01:22:49:18 - 01:22:52:13

I think they're all deadline for unless otherwise.

01:22:52:15 - 01:23:04:17

Yeah I think most of them are just a few that there was no deadline specify at the moment. Um the next one consider the definition of maintained to see if it needs to distinguish between the

01:23:06:09 - 01:23:09:07

arrays and other works within the proposed development.

01:23:15:20 - 01:23:25:12

So for provide the LPs with a maintenance schedule each year that was under the discussion around the definition of maintain.

01:23:27:09 - 01:23:48:10

That is that I think that's that will be embodied in and updates to the um which will set out that rather than within the DC itself. Um, and within that we'll probably be in our post hearing note as well. But the, the discussion we had about right there trying to provide a bit of clarity in terms of.

01:23:49:27 - 01:23:52:00

The position of replacement. Okay.

01:23:54:11 - 01:24:06:23

Set deadline for. Yes. Yeah. Um, an update from the applicant on negotiations in relation to the internal drainage Board in relation to Article six.

01:24:09:10 - 01:24:14:00

Yep. Updates and discussions with local authorities in relation to Article nine.

01:24:16:24 - 01:24:22:02

Well think on that is going to be much like the requirements. We can't really provide an update because we've not had any detailed comments yet.

01:24:24:11 - 01:24:24:26

Okay.

01:24:31:21 - 01:24:48:24

Noted Article 12 regarding the claims, but right of way to clarify arrangements in terms of consultation and the extent to which there could be any issues in terms of fairness by using the process to address that and that application.

01:24:50:15 - 01:24:59:02

And next one, liaise with your cultural heritage expert to determine if Article 17 is necessary. That's in relation to the removal of human remains

01:25:01:08 - 01:25:06:26

under the applicant's amendment to Article 43. Didn't quite catch up and then was.

01:25:07:03 - 01:25:10:10

To eight weeks we didn't got it.

01:25:11:09 - 01:25:14:23

Um won the African and Lancashire County Council

01:25:16:08 - 01:25:27:21

to consider the scope for Lancashire to be included in the sign off of various relevance requirements for discussion there and with an update in the future stating the common ground in terms of the position on that.

01:25:30:01 - 01:25:53:01

Is that mean would say that think would wondering here there's just an all encompassing action for the local authorities to provide us with their drafting amendments to the DCA and that we then respond. Um I think that's um appreciate the request only for a meeting, but think at the moment we wouldn't want the meeting for meetings sake. We really need to understand what the local authorities want.

01:25:58:01 - 01:25:58:19

Okay.

01:26:01:27 - 01:26:22:05

Major Mark Willis, Lincoln County Council on that point. Think, think. Some comments had already been provided within written responses to the Examiner and authority. So there's probably a little bit of drawing that out and putting it explicitly to the applicant as well. So think we've provided some comments, but what we've not seen is those taken forward.

01:26:24:23 - 01:26:47:20

Sorry. So we did. We responded to that at line three and set out the position. Is that the general comments that were made, we responded to say that where linkage need to be identified in accordance with their duties, they have already been within their requirements. So if they want to be in more, think it's the points then. And we will take that on board and see see what they say.

01:26:50:04 - 01:26:50:19

And.

01:26:52:24 - 01:26:55:20

Okay. Okay. Mr. Willis, are you content with that?

01:26:55:22 - 01:27:03:01

Yeah, that's fine. Think like I said, take away from that. Is that. We'll put some words together on what we say. Yeah.

01:27:03:20 - 01:27:05:06

Okay. Thank you.

01:27:07:13 - 01:27:18:02

Um, action for the applicant in relation to the requirement one which is in relation to the interpretation to confirm the approach in relation to phasing into the.

01:27:18:04 - 01:27:21:05

Data final date, the final commissioning date. Yeah.

01:27:22:18 - 01:27:31:27

Um, action for Rutland County Council to make submissions. The regarding the, the need to share details of a phasing.

01:27:33:20 - 01:27:34:05

Uh.

01:27:35:23 - 01:28:02:26

Action for the applicants to update requirements seven as offered change details in relation to biodiversity net gain and to increase the minimum value I believe was the offer and reference to the use of the metric to metric four and plus also think the latest version. At the time details were to be agreed as per the long field wording. Yeah, I think.

01:28:02:28 - 01:28:03:13

We.

01:28:04:09 - 01:28:08:20

Double check. Checked it last night and think we're good. We'll use the long field wording and otherwise.

01:28:08:28 - 01:28:12:05

Okay. So long field. Thank you. Um.

01:28:14:27 - 01:28:22:17

Another action for Rutland County Council to provide comments on requirement nine in relation to surface and water drainage

01:28:24:06 - 01:28:32:20

and action for the applicants to amend requirement 18 to give notice of when they will make the decision to decommission.

01:28:36:00 - 01:28:37:11

Action chat.

01:28:37:18 - 01:29:01:17

Sorry, sorry. Just, um. Just on. On that point. Think you will add to that action to make it absolutely clear? Give Mrs. Holloway's concerns in the the EMP to make clear that the full Dems will set out the

the the programme for decommissioning. Um it does it implies it at the moment and think we can strengthen the wording that.

01:29:07:17 - 01:29:08:02

Thank you.

01:29:09:12 - 01:29:18:13

Action for applicants. Check if requirement six covers the need to complete highways work prior to commencement of development and cleaning the access points.

01:29:20:24 - 01:29:36:11

And further action to confirm what is covered by the legislation to be applied where that's possible. So, for example, the Anglian Water Authority Act 1977, so the non railway acts I think was the suggestion there. Um.

01:29:38:02 - 01:29:46:12

Action for the applicants. Update us on progress with protective provisions and by deadline five. I think that was.

01:29:47:05 - 01:29:57:00

I think I've set out the petition. The only ones were waiting for a network rail and Environment agency, and we'll update on those two. But each deadline, as we have been doing okay.

01:30:00:04 - 01:30:09:18

The applicant to propose a fee structure for discharge of requirements for comment by the EPA's think he said by this week or next week. Yes.

01:30:11:08 - 01:30:20:11

And then finally, action for South Kesteven District Council to make submissions on why a ten week period is required for requirement discharge.

01:30:22:16 - 01:30:24:12

That's my list.

01:30:25:09 - 01:30:26:13

Think on on the.

01:30:28:18 - 01:30:46:12

Quote, discharge point. Think on the given that we said that we were reluctant to change to ten weeks to everything, all the requirements think we'd be keen to hear from the local authorities to which requirements we were going to take an approach for something. Eight.

01:30:48:06 - 01:31:15:07

But some maybe ten, which requirements they feel given what I'm sorry, I forget who said it, but that some aspects they thought might have to go to committee, for example, would like to think that wouldn't require all requirements to go to committee. But imagine that some such requirement six would. So I'd be grateful if they could take that away and suggest which ones their thinking would be today.

01:31:16:05 - 01:31:22:23

Is that okay? Mr.. Mr.. Jordan. Yeah. Okay. Thank you. That completes the action points list.

01:31:24:14 - 01:31:25:00

Okay.

01:31:25:15 - 01:31:30:24

Thank you. Right. We can now come to closing. Um.

01:31:33:26 - 01:32:05:14

As always, please provide the written versions or written summaries of submissions by deadline for which is 25th of July 2023. Recording of this hearing will be published on our website as soon as possible after the hearing, and tomorrow we will reconvene here for the compulsory acquisition hearing starting at 10 a.m. and that will continue on till 3:30 p.m. and don't want to go on further than 3:30 p.m..

01:32:05:27 - 01:32:25:17

I'm hopeful that we'll get through it by that time. But I want to reiterate, 3:30 p.m. will be the close of that that hearing. Uh. Thank you again for everyone's participation. And today with your submissions. ET cetera. And this hearing is now closed. Thank you.