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FULL TRANSCRIPT (with timecode)

00:00:06:19 - 00:00:17:29

Uh, definitions under interpretations. I think the only one that's been changed is or introduced as one for the outline written scheme of. Investigation.

00:00:21:00 - 00:00:29:18

So unless there's any further. Representations on any of the other interpretations we can move on to.

00:00:34:15 - 00:00:40:04

The next item in the agenda, which is article. Six.

00:00:41:28 - 00:00:44:09

The application and modification of statutory.

00:00:45:25 - 00:00:46:19

Visions.

00:00:52:12 - 00:00:54:06

Could you just clarify with.

00:00:55:28 - 00:01:00:29

I think Lincolnshire County Council at earlier in examination had a concern about the

00:01:03:02 - 00:01:09:20

Section 23 of the Land Drainage Act. It's now been resolved. Mr. Fox the applicant. So

00:01:11:05 - 00:01:50:10

in the area the the IDB and forget the name of which one it is and as my understanding acts on behalf of the other phase in terms of the kind of practical dealings with with developments, we're continuing to talk to the both in terms of in that role and in their role as an separately, um, to make sure that they're comfortable with how the various provisions in the work for them to then consent to the inclusion of that this application.

00:01:50:12 - 00:02:22:07

Because obviously we are very well aware that we need that consent in order for that power to be able to be in the DCA. So we are, um, it's been a case of trying to talk through the process, but if, if any further tweaks and needed to the other management plans or the requirements, um, my understanding is that um, the relevant person is generally comfortable, but we're just making sure everything is done. So I know you need to report on that, um, that we will be getting that.

00:02:22:09 - 00:02:24:16

Um, we also acknowledge that, um,

00:02:26:01 - 00:02:56:05

even if the doing things on the out of the phase behalf, it will still need to be there for who makes the submission to say that they consent. Um, which presumably will be done once the man says he's

happy. So all in all, we understand why there is that concern because there's not been a kind of sign off yet that they're happy with the replacement controls. So we're looking to get that sorted as soon as we can. Deadline The deadline.

00:02:56:07 - 00:02:57:29

Um, I.

00:03:03:27 - 00:03:32:04

And the best I can say is before the end of examination is the organization, is the IDB in this respect, internal drainage board. And as I said, there's two in the area and I can't remember the name of it's a long name, but they, they do things on behalf of the LFA. In terms of the practical, as I'm saying, they kind of act as their agent. The LFA in this regard instead of this concern being Lancashire County. Yes.

00:03:34:05 - 00:03:43:20

Is there anything, Mr. Willis, you wanted to comment on that or. Or not. I appreciate your might not, obviously. I think we need to. Yeah, look at that.

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Unfortunately don't have an expert in the on the call.

00:03:49:28 - 00:03:50:18

Okay.

00:03:53:12 - 00:04:03:10

Okay, there are any continuing issues, then obviously we need to know in terms of the other statutory provisions, the environmental permitting, has that been now?

00:04:05:15 - 00:04:19:10

Yes. So that that's bound up in the protective provisions. This is the usual way the environment agency get happy once they've got the protective provisions. Is saying yesterday, we're just waiting for one aspect of those signed off, but we expect that to be soon. Okay.

00:04:25:00 - 00:04:37:08

And I think there was some Rutland County Council raised some highway matters in relation to this. But I think from my reading of them, they can all be picked up under the. That if you like the highway articles.

00:04:40:12 - 00:04:45:19

Yes, sir. I've got Julie Smith with us, but yes, that's my understanding. Yeah. Okay.

00:04:54:13 - 00:05:04:10

So we can move to part three, which is the Streets articles and Article eight is for in relation to street works.

00:05:11:15 - 00:05:38:06

A very small point in terms of eight one. I still think eight one. Yeah. Needs to be the wording needs to be changed despite your response last time and and I think it's the change it's it's worth it's troubles me maintain apparatus and electrical cables under the street and then change its position as I read it that relates to the street and not the maintain apparatus electrical cables bit. So

00:05:39:24 - 00:06:00:12

you can think that's me or generally it goes back to the model provisions. Think it is, but think but I think the model provisions don't include maintain apparatus and electrical cables. I think they just say maintain apparatus, think and change its position or think because it's a plural, then it's sort of seems to be a singular.

00:06:02:04 - 00:06:22:28

Yes. Mean think we can we can look at that think think. I'm preparing for today. Do did see where you're coming from. Think we were just conscious of moving away from precedent because they do reference it but we will think think we can make a change. The principal point is just a sort of. Yeah, no, we can make that fine English point maybe. Yeah. Okay. And.

00:06:24:25 - 00:06:26:10

Under Article eight.

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This relates to.

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Schedule for is cable works primarily, isn't it? Yeah. I think.

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In terms of the list of.

00:06:52:13 - 00:06:57:29

Yeah. All the street works in. That's right. In schedule four relate to.

00:06:59:17 - 00:07:00:25

Street works,

00:07:02:23 - 00:07:03:08

said.

00:07:09:07 - 00:07:10:16

Yes, that is correct.

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And for Rutland County Council because there was a concern from Rutland County Council think relation to this.

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Article. Mrs.. Mrs. Smith, Do you want to.

00:07:29:24 - 00:07:46:06

But first of all, is there been any update in terms of any agreement between the two parties on the concern or have we still got a disagreement? So on that to the MP makes clear that before we do this, we'd have to.

00:07:48:22 - 00:08:22:14

Do highways condition survey. Then once we've done it and fix it, we've got to get that. The update of that highway condition survey agreed with the authority. And so in terms of the powers. The article would provide that list A to f r all those in terms of the any particular controls that are needed. Are they all contained in the outline construction traffic management plan? Is that the.

00:08:22:16 - 00:08:44:21

Is that the method of controlling such works? I mean, think what would say for this is it is very different to the following articles in this part. This is about. Digging up the streets as any electric utility company would do. And so, you know, the controls there are similar to

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the kind of new raised the street works out as party goes on to to say think that.

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The important point is the highways, condition surveys and making sure that it's restricted to when it must be, um, you know, in line with that first condition. So.

00:09:08:06 - 00:09:41:19

There. Yeah. Yeah. In part three of the article, which says Where the undertaker is not the street to the provisions of sections for 54, etcetera, in the 1991 act apply to any street works carried out under paragraph one. So that's the that's where the actual controls would bite. Is that. Yes. So all of the usual controls that has on taking the upper road and to put it in plain would apply as do normally. And then in terms of what's included in schedule four, which presumably schedule four includes the cable works in.

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Essendon Does it. Does it. Presumably it does, doesn't it? Yes. There are additional controls there in the construction management plan, aren't there? Yes. All the things that we've got in the in addition. Yes. To the.

00:10:00:00 - 00:10:19:01

Provisions of the 1991 act? Yes, sir. Just for my a few days. I also want to talk through in terms of getting my which which is the point I was trying to make on Tuesday. And in the workshop we had a community last week that. These controls in the camp and go further than if we were just using new roads. And she works at pallets.

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Okay. Bessie Smith. You have do you have an outstanding concern now in relation to Article eight and having listened to the applicant's response?

00:10:35:07 - 00:11:05:20

Thank you, sir. Julie Smith, Rutland Council Highways. Um, no. I mean, I'm satisfied now that obviously the main concern would be booking road space. Um, and it would appear that that will still be the case. So, um, it's just to ensure that these works and any other works associated with this and any other works going on in the area, um, don't clash and that they can be programmed accordingly.

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So I'm satisfied with that answer. Thank you.

00:11:10:18 - 00:11:11:08

Okay.

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Thank you. Any more comments on Article eight?

00:11:19:12 - 00:11:51:03

So we can move on to Article nine power to alter layout etcetera of streets of which there have been some alterations. Think Mr. Fox, haven't they just want to quickly introduce those alterations that you've made in the last iteration of the DCO? Yes, sir. So paragraph nine, sorry, Article 90, just clarifying the scope of what's meant by temporary alterations to construction phase and decommissioning phase. Um, but that the, um.

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Uh, yes, that was paragraph two. And then we've added wording in it, paragraph five, essentially to where the consent is required, which is the general power in line three. Um. That can be in the form that they require. So if they wanted an agreement. If for whatever reason we weren't able to do one now, then that's what they could do. I think the important point with Article nine is that it needs to be read with Article ten. In terms of Article nine gives you the power in an article ten has the controls and.

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It's hard to go ten one, for example, talks about the powers that we have needing to be to the satisfaction street in authority in a form

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that they deem appropriate. So I think just making the point, you don't want to look at Article nine in isolation. I think, as I said, I think this morning we acknowledge that there are concerns about wanting to have normal controls that they would have if you were doing this under a regime. And we are willing to do that and enter into an agreement. And it will be based on the kind of controls they normally have,

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because they are concerned that reasonable satisfaction is not enough. And that would be our starting point. But, you know, we acknowledge their concerns and look to develop an agreement. And this article relates to ultra right, as it says, alteration to streets doesn't relate to new accesses. That's a separate article, isn't it? This is for some of the highway works that would be required. I was going to come to that when we come to Article 13. Yes. Do yes, please. Just. But it does relate. It relates to the creation of accesses because we need to amend the street to create them.

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Yeah. Okay. So the point about article 13, 11. 13. 12.

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Is they are mirroring different controls that would otherwise exist if we weren't in world. So Articles nine and ten are more akin to

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because what? Trying to put it simply that what we did does is put us as if we were a highway authority position and if we were a higher authority, we wanted to create new roads or improve roads generally. And they have powers under sections 24 and 62 with the Highways Act 1980 to do that. Um, and it controls in those articles because we're not the highway authority, actually. Um. That it is about reasonable satisfaction and with agreement, street authority are put in place where Article 13 is equivalent of is under

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section 129 of the Highways Act. That Section 14 is that that's the only way that a new access can be created from a highway is if you go do it pursuant to an order under the Highways Act. And so what Section 13 is doing? Sorry, Article 13 of our DCA is replacing the need to officially have an access be taken off the highway. So that's why they're and that's why they since the since the model provisions

since the regime came into force. That's why you have the two and that's why schedule seven. And look at the patterns it's covering.

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Essentially covering the same thing as the five. Five is the works. Seven is the axis has to come off it. Right. The schedule, the fact that schedule five and schedule seven. Yeah.

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And in terms of the.

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Level of detail that's been provided with the application.

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Probably more of a question for this issue has been raised, I know, by the highway authorities that that level of detail might not be as detailed as you'd get

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or would be required for what needs to be done. Things like geometry and all the things that are looked at when these things are carried out and consented by the highway authority and. This is where this. Is this where the Section 278 agreement or the your your your side agreement, if you like? Yes. So that's that's where we mean. So our starting point would be. Um, particularly now we've changed it to say that the form of them agreeing that's reasonably satisfactory is within their gift.

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But generally starting in the model provisions and whole range of data's say up until the last 2 or 3 years just had the drafting as we had it in our application data and with the level of detail in the access and rights of way patterns that we currently have, essentially a line saying this is where the actors are in our collective works is, is this. Um, but we know that um, over the past 2 or 3 years, uh, how stories across the country have been saying, oh, hang on. Actually when we come to implementation, that's caused us problems because we've not had all the controls we used to having.

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And so they raised the points to similar points to have raised and say you're starting to see on other schemes, including national highway schemes, that they are doing these side agreements. So that's why we've accepted that. That's kind of where it's asked for. That is that is acceptable. So that's why we're seeking to do the agreement. But what I would say is, um. Whilst we are basing that draft agreement on and in the way they usually do things and we will work hard to seek to end it by um, finish that by close of examination.

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The way that we've now amended these articles to say it has to be satisfaction and in the form that they want it to be.

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So if the work happened and none of us were able to enter in an agreement with the local authorities, if we wanted to say this has been done to, they can say, no, you need to go through the process. Okay. And at one point I don't quite understand. Is that a separate side agreement? Understand that? Fine. The detail would be the same detail as it would be under a 207 eight. And all those really technical detail matters would be considered and and and taken into account.

00:18:19:09 - 00:18:58:17

But in the actual what we're looking at, what the Secretary of State is looking at being representations to us that the detail isn't sufficient and the detail probably isn't as detailed as it would be when you get the final approval of these things and the side agreement is completely set up. It's appear to be I know there's an article on agreements that doesn't require agreements to be entered into. It uses the word may well don't quite understand is that we've got to obviously assess the works. The highway works to make sure in principle we're happy that the detail is sufficient or capable of being sufficient from a safety point of view, but without any mechanism to provide that detail.

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There's almost sort of a like it could be okay because two 7/8 in place, but there's no mechanism, as you would do with a with a section 78 planning application where there would be a link to a subsequent highway agreement. I can't quite understand why that's missing from this. And indeed other two is different to some other. Yeah, it's a point I sort of scratched my head over. So how does that actually how will it actually work? And how can we be sure the secretary of state be sure that actually because, say, side agreements might not take place in the same way that you're side agreements on land with landowners might not take place and you've still got the same powers, the powers in the DCO? In a way, no, it's two complete different things, but with the powers of staying in.

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Whereas in the for these straight highway powers there there isn't the extra control, it's just a side agreement

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about the applicant. Think I'd say to that. First of all, as I said, this has been okay for many, many years. They may more detail, but they didn't say so I would refute that strongly that having been involved in 10 to 12 myself and looking at precedents, every time we prepare these applications, every single one, to extent that they have access and rights of way plans, have access and rights of way plans that look the same or very similar to what we've got.

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So without the sort of the technical detail that you would get and so the control comes from Article ten and that is the control, same control that there's been reverse. We can't the works have to be done to their reasonable satisfaction. And that's sort of retrospective control in case they're not done to the. It's it's only after they've done that that would be considered. Well so but that's how especially with our the requirement sex which requires

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access is work. So I was going to come on to that. So in terms of accesses, they have to be approved and the requirements. So the details are all going to be covered under under that. So in terms of the permanent accesses to the site that's that's covered.

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But not for the. It's frequent.

00:21:17:27 - 00:21:44:02

Maybe it comes down to the word Mae in terms of like if there is a sort of requirement to go for two, seven, eight, then that's a lot clearer. Well, think we're not going to change that. So given that the draft and it's been in in every think that's ever been made, I think that the that the street works think there's a difference here so you've got the creation of the accesses we've got some junction improvement works and passing places that we've agreed to do. Um.

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And then and then you've got Street Works. And street works are the digging up of the road, as we said, and the thinking. Right. Don't we say it's not the same type of works as the other works that we just listed? No. So the Street Street works that are drafting again is very similar to the cars and the new roads. The street works and the measures in the TMP have the controls needed there. Um, the, the access is um, and that's the reason we added paragraph.

00:22:18:00 - 00:22:34:26

Five. To requirement six. To do that to make sure there's not a duplication of the requirement and the articles. Um, I can say that we'll have a look at where the. One of requirement six needs to also refer to junction improvements.

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And if you do that, then think that covers everything.

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The parties want to come in and comment on this because I know you've made representations on this which might or might not have picked up on, but.

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Mrs. Smith.

00:22:55:20 - 00:23:28:05

Thank you, sir. Julie Smith, Rutland County Council Highways. And yes, I'm pleased that the side orders are, um. Well, the side agreement. Sorry. Our have been now agreed to. Um. Which is how we need to ensure that the works are carried out to our standards. Um. And given the change in article.

00:23:29:07 - 00:23:45:29

Oh, sorry. Uh, the Article eight, um, Article eight and nine think that, you know, we're pretty much satisfied now that it's the works are to be carried out to our. I can't remember the wording. Um.

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He's basically.

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Yeah. Reasonable satisfaction so I think. I've never known a DCO to stipulate that that those works have to be carried out or there has to be a Section 278 agreement or 38 agreement or whatever, um, in order to, um, you know, get the works, um, in accordance with that. Um, so I'm happier with the wording that it's in the current DCO in that the works have to be carried out to our satisfaction.

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Um, obviously, like most local highway authorities over many years, we, you know, the issue has been raised that there's no control. Um, there's been many works that I've been aware of that have been carried out without a 278 in place because ordinarily one's not required. Um, so yeah, this gives us the satisfaction that we need.

00:24:52:24 - 00:24:53:13

Thank you.

00:24:54:06 - 00:25:09:18

Okay. Thank you. Welcome. Mr. Ryder in a second. Because see that his hand is up for Lincolnshire County Council. Mr. Willis, is there any comment you want to make on you? Similarly, broadly happy with the arrangements? Yeah.

00:25:09:20 - 00:25:50:04

Think so. Mark Wallace Lincolnshire County Council I think. Um, welcome the additional wording to give comfort, I guess, with regard to a form that will be reasonably agreed. We haven't obviously seen sight of that side agreement. I think Mr. Fox alluded to that earlier. Um, I guess at the moment, in the absence of that and again, going back to what he said, that leaves us to agree the form by which that would be reasonably agreed. And I guess the question is, does that, uh, therefore enable us to, you know, look at the normal 278184 procedures or whether or not we need to import expressly that discharge arrangement within the article?

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Okay. So think what we sought to do is, is deal with that requirement six to essentially say we wouldn't need to come to you for the details on access pursuant to that requirement if we've already sorted it out pursuant to.

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So so the fact if we approve those under requirements six, then that by definition is the reasonable form that deals with it.

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Yes. Okay. Thank you. Think. Think. That's a good point. Actually, though, we may need to make that clearer in requirement 65. We'll look at that.

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Okay. Thank you. Thank you. And Mr. Ryder, you had your hand up.

00:26:33:16 - 00:26:36:09

You obviously want to talk about the situation in relation to Great Casterton?

00:26:37:02 - 00:26:57:20

Well, yes, Alastair Ryder, Chair of Great Casterton Parish Council. And so I just was thinking that much of what I wanted to talk about related to the aspect of potential or proposed highways or street changes and didn't know whether now was an opportune moment or whether you wanted to keep my remarks till later.

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Well, it is in relation to these articles that we're talking about, which is which is works to streets then. Now is probably this article rather than actual environmental effects. We've considered those previous hearings and previous questions, but this is about the mechanisms in the DCO, if it can relate to that, please.

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Yeah, I think I understand. Well, although there's a lot of abbreviations I'm not following, but mean broadly. At deadline, two Great Caster and parish Council submitted its remarks and objected to the proposal. Um, and I'm not go through those again for the for the sake of brevity however um of primary concern to to us is the impact upon our village during the planned construction phase and the proposed route which requires HGVs and abnormal node loads to negotiate what is commonly accepted to be a dangerous crossroads linking the old Great North Road, the Pic Worth Road and the rail road.

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The A6 121 at the heart of our village, which is close to educational and childcare facilities. And in that submission we suggested access and egress from the site should be gained from alternate routes to the east.

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Um. I think the applicant has responded to your deadline two submission at deadline three or might be deadline for, and it might be that that can be something which is reiterated by Mr. Fox or included in deadline seven submissions, just so that can be clear. But but we are talking today about the actual mechanisms for getting the work, these works being carried out rather than the the effects of them. I understand your points about the effects and we've considered those before and those are all going to be taken into into account in relation to schools.

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We've had discussions about that in particular in relation to school open and closing times, etcetera. In terms of the actual mechanisms proposed into the, we'll ask Mr. Fox to come back, make sure we clarify. Is the response to your other concerns potentially in writing? So it's clear. But in relation to the actual mechanisms we're talking about in the articles. Have you any concerns?

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Uh.

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No, because I don't fully understand the mechanisms and my points were relating to the points I wanted to make and what we're relating to the outline construction traffic management plan and the detail, not mechanisms.

00:29:33:14 - 00:30:06:12

Okay. If you've got any concerns on the outline construction traffic management plans that you feel haven't been dealt with properly, then by all means raise those with the applicant or put them in in a in a deadline submission. Deadline. Seven submission. Obviously we will take those into account, but by all means raise these things with the applicant. You're yourself. I presume that that's open to hearing such things. As I said before, we are getting towards the close of examination now. So soon the final plans will be put in and there'll be no more opportunities for any any changes.

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Obviously, the changes made will be up to the to the applicant, to those final documents. But there needs to be think rather than having this session as a sort of drafting session on these things, those things need to be provided to the applicant and provided in writing so they can be taken into into account. I think the latest the latest, the latest traffic management plan is the deadline set. It came in at deadline six. And there's a. We've got the rep number for it because that is the most up to date one. There have been quite a lot of changes to it since the start of the application, so.

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That's available on the on the examination library, is it?

00:30:41:09 - 00:31:25:29

It is. We can even give you the rep number of it. Um. Okay. And yes, and there has been a sort of fairly iterative process where without speaking for the applicant, obviously up to them what they the changes that they have made, but they have made some changes and sometimes they make changes. Other times they say, sorry, they can't make changes, but there is sort of an opportunity there for things to be taken into account and thoughts about that. So it's rep six zero 14. I would just very quickly, um, draw particular attention to 3.8, Section 3.8 of that document which talks about great casting and states that we will not allow HGVs to pass through the village prior to 9:00.

00:31:26:22 - 00:31:27:07

Um.

00:31:29:15 - 00:31:38:05

Sorry. Yeah, sorry. Sorry. Guess not again. Restricted to passing through the village prior to 9:00 and only after three.

00:31:40:18 - 00:32:06:12

My. Okay. I'll write to you directly. My query is more related to the specific inclusion of that crossroads within the order limits and the fact that no swept path analysis had been conducted or there's no there was no inference at deadline submission to at the version of the ACM that I was reading. There was no details as to why that was included in the order limits.

00:32:07:19 - 00:32:31:03

So that think that is I'm going to question so think so that's included in the order limits because we had done some analysis and we can respond to this in writing. But the point is we've included that land in because due to turning circle, we may need to remove temporarily some street signs and then put them straight back once the large vehicles gone past.

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Okay. That's the only reason that's in the DCA.

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Okay. Street signs, not wholesale changes. Okay. That was our concern.

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Okay. Thank you for your time.

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Okay. Thank you for your submission. Ms.. Ms. Ryder And if you do have any outstanding concerns, then you can submit them to us at one of the one of the latter deadlines, preferably deadline seven. But do consider the the traffic management plan, as Mr. Fox has said.

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Okay. Thank you.

00:32:59:29 - 00:33:01:03

Thank you. Thank you.

00:33:06:15 - 00:33:12:13

Okay. Uh, two small points I had. Think in relation to article.

00:33:14:23 - 00:33:36:02

Nine think we've covered previously in writing the issue about whether or not Article nine three should extend to any street outside of the. Order limits and the justification for that which you have provided and is probably something we'll have to go and think about. So unless you've got any further comments, anyone's got any further comments on on that as to as to that quite broad,

00:33:37:29 - 00:34:14:12

seemingly quite broad vision for would just give a comparison the Hornsey for DCA, that article essentially gives them powers to do that anywhere without any controls, without any specific specificity. Um, and I've just wanted to give an example. In countries in Britain we didn't, but an example of why this might happen is for some reason and one given day there might be a need for us to amend Curb for because we've done more detailed wet path analysis as a result of discussions with the LPA and we realized we need to change a curb somewhere.

00:34:15:00 - 00:34:26:06

Um, we could only do that with the agreement of that consent of the street authority. If we didn't have that power, we'd have to go and get a whole bunch of other concerns to do understand that and the highway authorities.

00:34:27:27 - 00:34:30:09

Hey, you're accepting of that.

00:34:34:20 - 00:34:35:19

But Mrs. Smith.

00:34:37:02 - 00:34:43:27

Thank you, sir. Julie Smith, Rutland County Council Highways. Yes, I think that's quite reasonable. Thank you.

00:34:44:21 - 00:34:45:25

Okay. Thank you.

00:34:49:18 - 00:35:02:13

Under 95. We will add the word prior. Oh, good. That's my next point. Thank you, Mr. Willis. Have you got any comments on that? Not on the prior point, but on the generality about the outside.

00:35:02:18 - 00:35:06:25

Sir Mike Wallace to County Council? No. Okay with that. Thank you.

00:35:07:17 - 00:35:14:09

Thank you. And thank you, Mr. Fox. You've just confirmed the answer to my next question, so let's move on. Uh.

00:35:16:07 - 00:35:17:24

I think we've covered.

00:35:19:24 - 00:35:37:17

Ten. In this discussion, haven't we construction and maintenance of Altered street. It's. So unless anybody's got any further things to add on that I'll move through that to Article 11 temporary stopping up and permitting very clear use on public rights of way.

00:35:52:00 - 00:35:58:04

The point I wanted clarification on this really is about, if you like, the generality of that particular.

00:36:00:06 - 00:36:06:08

Article that it covers any public right of way rather than those just listed in the.

00:36:07:20 - 00:36:08:18

Schedule six.

00:36:11:00 - 00:36:21:11

Is that? Well, again, that's subject to the consent of street authority and the Kemp, which has the measures about the rights of way in it and think that.

00:36:23:06 - 00:36:55:12

Again it's it's a just in case power because whilst we've sought to identify the changes that might need to be made, um, we're not entirely sure that's absolutely the case. And for example would say that if as a result of the discussions that we have with the local authorities, they say that they want the diversionary route, um, to be longer to be limited outside of our order limits. In order for that to practically make sense, we might need to stop up more than what we've shown in the plans.

00:36:56:14 - 00:37:00:19

And the approval process for that is within paragraph four.

00:37:04:11 - 00:37:04:26

Be.

00:37:13:03 - 00:37:15:15

Okay. Any further comments on that?

00:37:17:23 - 00:37:21:25

Now. Write Article 12.

00:37:25:14 - 00:37:25:29

Sorry.

00:37:26:01 - 00:37:28:18

Sorry, sir. Mr. Wallace. Just again, it was just. Sorry.

00:37:29:25 - 00:37:36:15

Mrs. Davis, just. Sorry. I'll just. Let me. Mr. Willis, as to how we operated. And I will come to you. Mr. Willis. Sorry. Sorry, sir.

00:37:36:17 - 00:37:43:22

Yeah, It was just, again, that reiterated point about sublevel agreements and the mechanism, so I'm sure we can wrap that up.

00:37:46:27 - 00:37:48:07

Schedule 16 point.

00:37:49:29 - 00:37:53:01

Okay. Thank you. And David.

00:37:53:15 - 00:38:19:02

Thank you. Linda Davis interested party. It is the words in so many of these. Just in case we need it so we can do it. We are not going to be able to see the final details in the final plan for this. And my concern is that everyone is trying to put in place and.

00:38:21:14 - 00:38:46:01

Problems so that it can be covered. But with these generalizations of just in case. And that's why we need the control. The mere word control panics me a bit, um, because it seems that they can just rough shod over things and I just want to make that point. Thank you.

00:38:46:26 - 00:39:05:02

Okay. Thank you, Mrs. Davis. Mr. Fox, to briefly talk about that, the thing would just say that the control is, is that at the local level, the local authority will decide whether that's appropriate or not, which is the same situation as for any development proposal, whether it's DCO or otherwise.

00:39:10:01 - 00:39:47:16

Thank you. Article 12 claimed public right away, so there's been quite a few changes to this in the last iteration. Uh, Mr. Fox, can you just briefly explain updates and then I'll just ask Lancashire County Council for if they have any further comments on this. Um, Mr. Fox and the applicant. Um, yes. So won't go paragraph by paragraph. I'll just explain that. The point was that, um, the previous situation was we were saying, um, essentially we were seeking to circumvent the definitive map modification order process.

00:39:47:18 - 00:40:24:03

We were just saying that path is created and, um, but we're able to stop it up. Um, obviously you raised concerns about that specifically, and whilst as per our last submissions deadline for, um, we were fairly confident that we were confident that actually through this process and given that the person who made those applications, um, specifically references Manor passed and making the application that they were aware of, that we decided on reflection, perhaps better way to go is to allow that process to play out.

00:40:24:19 - 00:40:39:21

Um, and this just gives us the ability to then essentially do what we can do under the normal articles to or any other articles that you'd get the stopping up of a right of way. Um, to. To do that.

00:40:41:19 - 00:40:49:24

Okay, So it's gone from circumventing to letting that process play out if that's what happens and then not having the power to deal with that if it happens.

00:40:51:18 - 00:40:56:00

And Mr. Willis, does Lancashire County Council have any remaining concerns about the.

00:40:58:08 - 00:41:01:15

Article 12 and the revised drafting.

00:41:03:04 - 00:41:38:19

Thank you, sir. Mike Wallace, Lincoln County Council. I'll just briefly introduce and then introduce Andrew Fletcher, if I can. I think the point is probably not. So I think we're okay with the principle. There are some tweaks. Think, having looked at this, that we would be looking to make a recommend a revised wording by mindful like say we don't want to turn this into a drafting session so we can provide that in afterwards. But I think if can introduce Andrew Fletcher who is the public rights of way and access manages to perhaps just expand and give an explanation on some of those elements, if that's helpful.

00:41:38:25 - 00:41:45:13

Yeah. Okay. Thank you. Hello, Mr. Fletcher. Hello. Andrew Fletcher, Lincolnshire County Council.

00:41:45:27 - 00:42:20:02

And as Marcus correctly stated, the general principle of Article 12 we're in broad agreement with. There is some changes in the wording that we would use and the way that it would happen during. So what we propose to do is sit together and put together a revised draft. There's a few elements in the detail of it that doesn't quite work with what the definitive modification order process would, how it operates, but they can be fixed reasonably easily.

00:42:22:19 - 00:42:24:17

Okay. Thank you, Mr. Fox.

00:42:26:10 - 00:42:56:26

Just dialogue there. Sorry. Yes, that's a great point. And that was just sent. You were able to circulate that before deadline seven. So we can take it into account that time. Seven that would that would be helpful. Um, I think just I just want to re-emphasize, though, that in this article, we're not we're not seeking to do the same thing as a definitive modification or a process. It's separate from that. And, um, we're trying to essentially allow you to do that whole process. Um, and then once you've done it, if we then decide to, um.

00:42:58:11 - 00:43:46:24

Sorry. Then this game is brought forward. We would then need to stop it up because of location of it. Um, so if think would just say don't we don't need to be changing the article to try and bring in any of that process. Think if if though there are concerns particularly around um, paragraphs four and five, um, in terms of if we then stop it up and how that works in terms of, um, you then being able to modify your definitive map. Um, then we can discuss that, but would say that that drafting, um, has come from our experience working on national highways projects and dealing with local authorities where, um, this is obviously a bigger, a bigger issue and um, yes, so just want to set that context.

00:43:46:26 - 00:43:56:11

We're definitely happy to receive what you say, but think just with the caveat that we're not seeking to replace or duplicate that 1981 act process here.

00:43:57:16 - 00:44:33:17

Thank you. Yes, that's that's a good clarification. Um, just a brief summary of the things that are we would need to change a subsection for would not need to modify the definitive statement. It would be better if it was a notice to the surveying authority rather than just supplying with the plan. Um, similarly, slight changes to the actual acts that's been used and it would not need to deem to be an order. It just needs to deem to be a legal event. So there's a few little minor tweaks here and there where it would not clash with how the how the system operates.

00:44:34:10 - 00:45:08:29

Okay. Mr. Fletcher, if you could provide those to Mr. Fox sort of outside of the examination, that's possible. And then obviously the applicant can then take those on the board, on board, and then either if both parties can have a confirmed agreement or if there is a disagreement set out clearly where why there is disagreement at a subsequent deadline. And as always, if there's a disagreement with drafting, it's helpful to us to have any alternative drafting should that be required. It sounds as though, I think it would be to get an agreement potentially on what you said.

00:45:09:01 - 00:45:22:18

All right. Without going into the detail of it. But if not, there's always the opportunity to to do that. So if could encourage that, uh, iteration, that would be absolutely everything that was being said also sounded very sensible. Yeah. Okay.

00:45:24:09 - 00:45:27:03

Okay. Thank you, Mr. Fletcher. Thank you. Thank you.

00:45:30:04 - 00:45:46:09

Right. Article 13 Access to Works. This is access in the locations specified in schedule seven. And then. Other means of access. Are there any outstanding? Rutland County Council previously had.

00:45:49:04 - 00:45:56:02

Concerns or comments in relation to this, but it's potentially covered by the same section 278. Point and.

00:45:57:19 - 00:46:01:21

Mrs. Smith of Rutland County Council and the outstanding concerns on Article 13.

00:46:05:21 - 00:46:12:14

Thank you, sir. Julie Smith, Rutland County Council Highways. No, with that, everything's been sorted on that. Thank you.

00:46:16:26 - 00:46:22:07

Okay. There's no more further concerns on that from anybody. We'll move on to article.

00:46:23:26 - 00:46:36:20

14 agreements with street authorities. Again, I think it's a very similar point on well, it's this is where the Section 278 agreements come in, isn't it? Or it provides for them.

00:46:39:01 - 00:46:45:11

Uh, yes, sir. But yes, I mean, Article 14.

00:46:49:10 - 00:47:07:14

It's well, it just tells people that you can enter into agreements that it doesn't it's not it's not a mask. And the reason we're not going to be changing it to does it actually do an awful lot this article when it says in terms of what it does in the context of this examination, in terms of it allows for that, but presumably that something that's allowable anyway, what's the actual

00:47:09:00 - 00:47:41:12

what the people that the model provisions order. So but for this for this nomination. What think think. Well see I suppose what I'd say is that because it's not a power. See. I see no harm in it being in there and it is in every the interface with the street. So don't see a reason why you would take it out because it doesn't give us anything. So it's not like it's saying we're given some kind of power. It's just allowing agreements to be entered into. Any comments on it from the highway authorities or anybody?

00:47:46:06 - 00:47:50:17

No, just on the two 7/8 on the on the side agreement. So. So, Mrs. Smith, please.

00:47:54:09 - 00:48:07:18

Thank you, sir. Julie Smith, Rutland County Council Highways. No, I was just going to agree that it doesn't seem to give it. You know, what's already been said is is how we read it. Thank you.

00:48:08:12 - 00:48:23:09

Okay. Thank you. And on the highway street side, agreements. Where is there expected to be agreement on those by the end of the examination? That's what we're aiming for. Okay.

00:48:26:06 - 00:48:37:10

And and think unless the authorities agree, we could we would confirm that and have to check precedents. But I'm pretty sure we would also submit it to the secretary. That would be quite helpful to have. Yeah.

00:48:41:06 - 00:48:46:18

Okay. Um. Article 15 Traffic Regulation.

00:48:48:09 - 00:48:49:08

Measures.

00:48:56:06 - 00:49:05:04

Is this agreed by the highway authorities or any comments? I don't think there are actually any comments on this from the highway authorities. But let me know now if there is.

00:49:19:03 - 00:49:27:28

Okay. I've got no further comments on. On that. So let's move on to 16, which is discharge of water.

00:49:29:15 - 00:49:41:27

And some additional drafting on this one. Mr. Fox, can you just explain that? I think it's 16 seven applicants that was added because the local authorities asked for it.

00:49:47:18 - 00:49:55:02

And Rutland County Council, Mrs. Smith. Any outstanding concerns? I think it was Rutland County Council that raised the initial concern about this.

00:49:56:23 - 00:49:59:13

Now that's addressed our concern. Thank you.

00:50:05:15 - 00:50:06:13

Okay.

00:50:08:23 - 00:50:17:10

17. We've covered previously, we've covered 18, possibly 19 previously. I've got no outstanding comments on those.

00:50:20:12 - 00:50:22:14

So if we can move on to.

00:50:24:19 - 00:50:33:18

20, which is to part five now. So powers of acquisition compulsory acquisition the on Article 20.

00:50:36:21 - 00:51:15:15

I'm still not absolutely clear. I'm not clear on why B part B is needed. And I know that the Drax DCO has been referenced to this. I'm not absolutely sure that Drax is identical to this. Haven't had a look at that, provided I've looked at the correct Drax one because there's more than one. Yeah, it's the most recent one, I think. I still don't quite understand why 20 B is required given it is seemingly quite sort of a broad, expansive. And so this is because 28 is to be acquired compulsorily, we've acquired compulsorily and we have to land.

00:51:15:17 - 00:51:30:23

What it's trying to do is to provide clarity that once we propose required it, it can be used for for the authorised development or any other purpose. It's just trying to say, it's just trying to provide clarity that you've acquired it and we can use it as,

00:51:32:12 - 00:51:39:27

as essentially per this desire. I think it's probably the word, the second part, where it says or for any other purposes in connection with or ancillary to the undertaking.

00:51:41:19 - 00:52:04:21

It just seems quite a. General. Quite a wide. I'm not quite sure why it's needed when everything else is covered under the the authorized development. And that's what the is, is for, not for any other purposes of the undertaker. Um, so well that should read the authorized development. So not the undertaking. All right. Okay. Well, that might make that clearer.

00:52:06:18 - 00:52:10:05

Yes, that's all right. So that that should read authorized development and.

00:52:13:21 - 00:52:21:02

Keep it down in part B, so the word authorizes development rather than undertaking.

00:52:40:13 - 00:52:42:04

Okay. Any comments on that?

00:52:45:00 - 00:52:47:01

And if you make that change in the next year.

00:52:47:12 - 00:52:47:27

Um.

00:52:48:02 - 00:52:50:03

Excuse me. Yeah, this is.

00:52:50:11 - 00:52:51:08

Just for a point.

00:52:51:10 - 00:52:52:04

Of clarification.

00:52:52:06 - 00:53:10:05

Can I just ensure that my understanding is correct? Mrs. Woolley, on behalf of my action group, both with regard to both A and B, but particularly B and as you've identified, the rather broad any of the purposes can clarify that the and the

00:53:11:28 - 00:53:51:25

and the environmental management plan subsequently provide the security to make sure that what is proposed in terms of the layout of the panels and the mitigation areas, those are effectively part of the application and cannot be changed. Um, once it's gone through the design and final design stage and the LPA have actually signed that off because my reading of this means that once the land has compulsorily been acquired, then they could rearrange anything within the order limits to suit them at the time.

00:53:51:27 - 00:54:28:06

So the opponents of the zonal panel proposal, as it's been currently submitted, could be changed. This this is broad enough in my interpretation to allow them to put panels where they like regardless of what they're proposing at the moment, unless, as has been suggested before, the management plans are effectively the um, the control which is actually putting the detail in that this DCO is effectively providing the boundary for effective, if that makes sense, know what I mean? Even if you haven't articulated it very well.

00:54:28:29 - 00:54:59:12

I know what you meant, Mr. Fox. Yeah. Mr. Fox and half the applicant. So, So, yes, the, the controls in the DCO apply to come what may. So this article is just about trying to provide clarity on um land. And so there's no doubt about that. We have the land powers to acquire the land and to use it, um, for the purposes in the order. So the, the um, controls in moment t apply to the use of all of our powers.

00:54:59:21 - 00:55:04:17

So this, this doesn't circumvent any of the other controls. We've talked about an examination today.

00:55:09:06 - 00:55:09:24

This is Holloway.

00:55:10:04 - 00:55:13:03

Menopause Action Group. Could the applicant explain.

00:55:13:05 - 00:55:20:11

Then a typical example, scenario or example of what any other purpose might be? Just for clarification, please.

00:55:20:23 - 00:55:29:10

So think this is related to the wording at the end of schedule one. You know, you've got a question answer, but um,

00:55:31:25 - 00:56:02:13

so schedule one, for example, lists out a very specific list of things that we can do. Um, but ultimately there may be something that we've not thought of right now, um, that we need to do. I can't actually think of an example right off top of my head now, but the, the point is, is that that control in chapter one is tied back to the environmental statement as well. Um, so nothing, nothing. This article, um, can't be seen in isolation. That's what I'm trying to say.

00:56:02:15 - 00:56:36:26

So our powers to works that we're able to do are what's in schedule one. With the thing at the end, which is very similar to this in terms of for purposes not materially and materially different from those in the is this all this is doing? All this article is I don't want it to be given more importance than it has. It's just trying to provide clarity about the extent of our our land powers. But our land powers are nothing without our work powers So the work's powers are what we've got. Planning permission for this article is about what we've got the land powers to do.

00:56:36:28 - 00:56:37:29

So they're tied together.

00:56:43:26 - 00:56:48:21

Then maybe we'll have to have a think about ourselves. Bear in mind representations.

00:56:50:12 - 00:56:55:02

Right? No, that part is not to be widely precedented. In other words.

00:56:56:18 - 00:56:57:03

Think.

00:56:59:15 - 00:57:05:06

And this time what's been said. Something that we'll have to think about, I think I've heard. We've heard what we

00:57:07:00 - 00:57:08:04

what we can on that.

00:57:11:03 - 00:57:11:19

Uh.

00:57:14:29 - 00:57:50:04

22 compulsory acquisition of rights. Obviously there's been quite a bit of water under the bridge in the examination on this one so far. Don't want to repeat that. And it's widely precedented, but not universally precedented in the same waters. Don't have the generality clause in this is just the acquisition of rights in the actual schedule. There's a question in terms of how practically would work. You think you've gone through some detail in answers to our written questions and at the last hearing on the hearing, hearing one on the fact that.

00:57:51:11 - 00:57:54:17

It enables just rights to be.

00:57:58:29 - 00:58:52:10

Acquired rather than for compulsory acquisition of land, which is a lesser interference. And to be partly justified on that. What's a practical example of that in terms of this particular application, because I appreciate it is quite wide precedented and it's on the most recent solar one at Long Field. But in terms of this application, practical example of how might a practical, practical example and mean, I say practical, but given where we are with the options and we think we'll agree them all may not actually be relevant, but a practical example of where this might apply in the worst case we had to be using our powers is if we within the solar areas at the moment we've got areas where we're saying we're going to have cabling and solar and and other aspects.

00:58:52:12 - 00:59:24:08

But it may be that once we've done the detailed design pursuant to requirement six, that we only need to put cabling in on a certain strip of land. So in that instance, you'd have that strip, you'd use your 22 one powers rather than your compulsory acquisition powers. So that might have be an example for what though what that actually for the cabling, for the cabling. Because where we've got our blue corridors where we don't need to. And take full powers because we're just putting the cables in and then being able to come back and look after them.

00:59:24:10 - 00:59:25:18

Over the lifetime development.

00:59:31:12 - 00:59:42:11

But suppose I come back. Well, and this is a general point 22 one is a good thing. I don't see how it's a bad thing because it's. It's just giving us the flexibility to have less power.

00:59:45:15 - 01:00:02:04

It doesn't work. It doesn't apply to temporary possession land. It's only applying to the pink land. So at the moment we get the order as we have it, we have those powers. This is just allowing us to do less. So if you took just want to come back to if you take that out, that means we have to use pink powers.

01:00:05:18 - 01:00:22:04

And those in terms are there any other scenarios? So for not, for example, not the actual land where the arrays are proposed, not in the field, but in terms of any other land where the powers are being sought? Are there any. There aren't any cells.

01:00:24:27 - 01:00:27:09

So it only relate to.

01:00:30:11 - 01:00:40:24

Land within the. In this case, land within the agricultural field. Is that right? So thinking aloud at this point in terms of where the pink land is. Yes, Pink land is the fields.

01:00:44:15 - 01:00:45:03

This is Holloway.

01:00:45:06 - 01:01:10:06

This is Holloway from Action Group. Would it not relate typically to the residents of Essendon? Who were you know, whether you class them within the order limits or adjacent to the order limits, it is a compulsory acquisition of their rights that you are seeking to to acquire require for the cabling. Would it not apply?

01:01:10:11 - 01:01:30:04

Nice thoughts about that. So that's covered by 22 two. So we've got specific rights. So they're covered in the schedule aren't they. Yes. So what 22 one is about is saying is the plots where we have pink powers. We have the ability to blue instead. If that was appropriate.

01:01:37:15 - 01:01:52:12

And you've previously described how those landowners and putting aside the fact that what we've heard about the potential side agreements but this is in there, so we need to obviously to consider it because such agreements might not happen. We don't know that in terms of those landowners being aware of that.

01:01:54:02 - 01:02:24:29

It doesn't sound as though they've been specifically made aware, certainly not what the specific rights would be. And in one way, why can't there be the provision in terms of the rights and the schedule we just mentioned it, Which one was it on Schedule nine? Those rights are sort of, you know, reasonably sort of, you know, set out and details of those, but there's no equivalent for these. Potential rights. Why can't that have been provided? It sounds as if they're actually going to be fairly.

01:02:27:01 - 01:02:56:29

They're not gonna be anything sort of unusual. Presumably potential cabling rights. This mean that was yours, for example? Okay. But there may be others that I can't even think of. And that's the point of this paragraph, is to allow for for for changes. And I'm slightly reluctant to give more examples because A might be able to think about them and be don't want to start undermining what we think is our compelling case for acquisition for the land that we need. And.

01:02:59:27 - 01:03:00:12

But.

01:03:02:04 - 01:03:13:06

And his final question on this one. Is there any difference between this application and application for in comparison to any where the generality clause isn't included?

01:03:14:23 - 01:03:25:05

Is because the flexible Is it as simple as saying because the flexibility is required in this case? To say, but don't know without knowing the details of the other, to be honest, sir. Um.

01:03:28:03 - 01:03:36:17

I'm just. I'm just slightly troubled by your use of the word required here, because the point of this is not about requirements. It's about giving us the ability to do less.

01:03:38:19 - 01:03:53:24

That was required in that sense. But why? It's included. Okay. Okay. I think we've probably heard as much as we can here on this in terms of our previous questions. So that's anybody's got anything further to say on

01:03:55:09 - 01:03:59:28
22 and we shall move on to.

01:04:05:24 - 01:04:14:24
29 and 30. It may well be that a game with this think we may well have exhausted it in terms of the representations that anybody wants to, to make. Uh,

01:04:16:18 - 01:04:40:06
is there anything further, Mr. Fox, that you want to say on 29 and 30? This is temporary use of land for creating the constructing the authorized development and temporary use of land for maintaining the authorized development. Nice. Okay. Think we've probably exhausted those as well in terms of hearing representations on them. And obviously we've got to take all these things into account as usual.

01:04:45:08 - 01:04:50:09
So we're now going on to in terms of the issues we wanted to raise to.

01:04:52:21 - 01:05:07:12
Way through to. Article 43. Just the procedure in relation to certain approvals. So this is for certain approvals that aren't requirements, consents that might be required.

01:05:16:08 - 01:05:18:27
Are there any outstanding points on this from any of the.

01:05:20:17 - 01:05:25:02
Local authorities or. Any other interested parties.

01:05:27:11 - 01:05:28:23
An Article 43.

01:05:35:06 - 01:05:55:12
To make sure Mike Wallace links to County Council. It's just a question, I guess more than an issue is if this applies to not requirements, does this capture, for example, the issues we discussed with regard to the highways, a form reasonably agreed, because that doesn't sit at the moment as a requirement?

01:05:57:03 - 01:06:00:03
Uh, yes. Yes. At that point, Yes.

01:06:03:00 - 01:06:16:27
So we'd be looking at if in the absence of a side agreement, the other things that will cover those matters would fall under Article 43 and the procedure that sets up therein, which kind of refers back to 16 and in terms of process.

01:06:21:21 - 01:06:27:07
So yes. So the 43 is separate from from 16. So

01:06:28:26 - 01:06:31:23
43 for where the playas are written.

01:06:32:09 - 01:06:37:09

So the eight weeks, the determination of any of those approvals separately.

01:06:38:13 - 01:06:39:27

Yes. Okay.

01:06:42:24 - 01:06:46:29

It was six weeks, wasn't it. Was it six weeks before? Yeah. So we've changed. So it's now eight weeks. Yeah.

01:06:47:14 - 01:06:59:19

So. So the reason asked that, sir, is just it's just to clarify again, in the absence of a side agreement, understanding where those other forms of agreement may fall or be captured and assume that would therefore fall under this this particular provision.

01:07:00:12 - 01:07:00:28

Yes.

01:07:01:10 - 01:07:02:10

Okay. Thank you.

01:07:02:23 - 01:07:10:24

Is there any inconsistency between this process and the Schedule 16 process? And if so, what's the reason for that inconsistency?

01:07:14:09 - 01:07:19:27

With the whole point of Article 43 is to try and create a level of certainty that Schedule 16 doesn't.

01:07:23:05 - 01:07:26:03

And that's why it has the deemed approval.

01:07:33:00 - 01:07:40:22

And. And. That's that's that's dropped into where where this is where this article appears in other pieces

01:07:42:13 - 01:07:45:25

and if other comments on 43 Article 43.

01:07:51:21 - 01:08:05:13

Okay, Those are the questions. What items we wanted to raise on the articles. Is there any other article that any party wants to comment on before we move to schedule one? Just the authorized development.

01:08:14:29 - 01:08:16:27

Mr. Fletcher, your hand is up.

01:08:18:21 - 01:08:51:19

Thank you. It's better. I do apologize. This is just a further addendum to the discussion that we had regarding Article 12. It's the applicant's approach that's been outlined today is differing to what we had originally anticipated, and it has raised some concerns with us about this. If they're not looking to

circumvent the investigation process but are seeking powers to extinguish it, should a decision be made that a right of way exists in effect, this does circumvent the process.

01:08:51:21 - 01:09:22:03

It makes the reasons for the investigation rather irrelevant or pointless. It would be better and more open to unilaterally extinguish if they're seeking to have powers to extinguish in any case. And so I wanted to make that point that I've. Welcome a discussion with the applicant about that and seeing how we can get it sorted. And a minor point is that the map or something I didn't mention before the map would need to be adjusted as well.

01:09:24:27 - 01:09:59:23

I think it's worthwhile just you hearing the general point before we have the discussion. Um, so I think what this is allowing for, um, this lecture is a scenario which the other one actually didn't. A scenario where for whatever reason, our scheme doesn't happen. So you might choose to let that process to play out, um, because you'd be aware of what was happening or not. Um, and we need the separate articles because we need to at the moment right away doesn't exist.

01:10:00:17 - 01:10:05:01

But then it might if you finish the process. So if. If you finish the process.

01:10:07:04 - 01:10:44:15

Don't know next month, for example, and just agree to to create it. But then for whatever reason, we don't come along for another five years, say, I'm not you know, we don't think that's the case, but we didn't um, then, you know, that was that path would be able to be enjoyed for five years. And then we come in and build a solar farm on top of it. So that that's what, um, it's, it's kind of recognizing, whereas before we were essentially saying it doesn't matter about our scheme, we're saying that path is made. We're now saying, well it's only if it is and if we come along then we have the power to, to extinguish it.

01:10:44:19 - 01:11:21:12

So think I do understand your concern because the practical reality might be that that isn't an issue, but think we were just wanting to allow the authority to do what they normally would and then asked to deal with that if if it arises. Okay. Thank you. I don't know how helpful that is, Mr. Fletcher. But again, going back to what we said before, I think it does sound like an offline discussion is very useful in this respect to this article and there is outstanding objection after that and obviously provide that for deadline seven or deadline eight if necessary.

01:11:21:14 - 01:11:27:18

And with any alternative drafting, if you disagree and want to provide any for us to to consider.

01:11:28:19 - 01:11:36:09

I think the further clarification has been very helpful. I'm sure we can get to a point of agreement once we've had an offline discussion.

01:11:37:12 - 01:11:40:25

Okay. Thank you, Mr. Fletcher. Mrs. Holloway.

01:11:41:24 - 01:12:02:11

Mrs. Holloway for Action Group. I might be barking up the wrong tree, but Article 44, which talks about guarantees in respect of payment of compensation. Mr. Fox for the applicant, may recall a conversation in the compulsory acquisition meeting whereby

01:12:03:28 - 01:12:08:16

he said that the applicant had removed any

01:12:10:12 - 01:12:43:13

barrier to residents claiming compensation in respect of cabling activity through Essendon. Don't know if this article itself can or does allow. You basically said they wouldn't need to go to court if they wanted to claim compensation even though it was a fairly paltry amount and think it was just a principle in terms of understanding where this sits in the DCO. So feedback can be given if that makes sense.

01:12:43:15 - 01:12:44:06

Mr. Fox.

01:12:45:01 - 01:12:56:13

Mr. Fox, The applicant, I think so. This even if we were willing to do that, Article 44 is not the place to do it because that's just making sure that. Well, what we.

01:12:58:03 - 01:13:23:03

To the secretary say it's confident that we have the money to pay compensation if it is due. Um, I am also conscious that the questions of compensation are not a matter for the local for the Planning Inspectorate to take into account under the the examination procedure rules. Um, I will take that. I'll take that away. Um, but think it's, I don't think it's something that's appropriate to be secured in the DCA.

01:13:29:25 - 01:13:38:28

Mrs. Holloway for my class action group. Will there be a mechanism, though, to a formal mechanism to confirm that for the residence

01:13:41:14 - 01:13:41:29

applicants?

01:13:42:19 - 01:13:53:15

We think I'll have to check this, but I'm pretty sure we've already made a commitment on the website to say if we get the powers and we do go through the village, come talk to us.

01:13:57:23 - 01:13:58:08

Okay.

01:14:01:12 - 01:14:02:00

Thank you.

01:14:06:14 - 01:14:21:19

That brings us to the end of the articles. It's probably a good time to break for lunch as it's just hit 1:00. So let's break for lunch. And then we want to go back to the one hour lunch breaks.

01:14:24:05 - 01:14:25:26

45 minute lunch breaks.

01:14:28:06 - 01:14:29:09

45 minutes.

01:14:31:08 - 01:14:37:19

Yeah. Think 45 is a good compromise. Okay, let's adjourn for lunch and we'll return at 145. Thank you.

