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All right. Shall we resume then, please?

00:00:10:01 - 00:00:46:17

Okay, so we are. On the next agenda item, um, item E, um, and specifically article 49, which relates to. Crown rights. And in this respect, I note that an amendment was made to the draft DCO at in revision C, providing further clarification that the order would not authorize the undertaker to interfere with any land or rights of any description in brackets, including any portion of the shore or bed of the sea, or any river, channel, creek, bay or estuary.

00:00:46:26 - 00:01:18:24

So I'm assuming that this reflects the location of the Crown Crown land under consideration in this and the related solar cases. Um, and I note that that this was at the request of the Crown Estate, that I can't find any further reference to this in the documentation. Um, so, so just, just in terms of, of that, that change and, and, and where, um, discussions are at the present time, um, where are things up to Mr.

00:01:18:26 - 00:01:22:01

Broderick in terms of agreeing provisions, please?

00:01:23:26 - 00:01:54:20

Uh, collaborative for the applicant. Um, yes. We're in discussions with the Crown Estates solicitors over the form of the consent and also a separate deed that they require to be entered into, um, as a condition of providing that consent. Um, the. Consent has been issued in relation to the Gate Burton um project, which relates to the same land.

00:01:54:22 - 00:02:27:01

Because the crossing of the River Trent is part of the shared cable route, um corridor. Um, the. Seem to be dealing with them in order of priority. So we're hopeful that the cottom. Um, section one, three, five consent will be issued next, and then they will turn their attention to the consent required for this scheme. Um, the amendment to the drafting of article 49 was a result of the, um, wording.

00:02:27:03 - 00:03:01:24

They requested to be added into the gate. Burton um, draft DCO um, as a condition of, you know, as part of that consent letter. So we have added it in, um, in advance, expecting them to require the same drafting for this scheme. Um, they require the full wording, um, in square brackets to be included, um, regardless of the circumstances. So here we obviously have a river bed, but they require reference to see Channel Creek Bay or estuary to be included.

00:03:02:03 - 00:03:40:09

Regardless of the specifics of the of the particular project. Um, we remain confident that we will obtain the section 135 consent, um, in the same way as they have issued for gate. Burton. Um. And that will be hopefully received by the end of the examination. It was received, I think, on the, uh, towards the end of the gate Burton examination. So we are hopeful it will be available before you close this examination, albeit it has been known on many other DC shows for it not to be submitted until nearer to the Secretary of State's determination.

00:03:40:11 - 00:03:46:13

Um, but we are endeavouring to try and get them to prioritise, uh, these consents. Thank you.

00:03:56:09 - 00:04:01:00

Thank you. Does anyone have any other points to raise under this item before we move on?

00:04:03:15 - 00:04:09:27

All right. So turning to, um, the this the schedules, um.

00:04:11:21 - 00:04:29:06

But item. Six, so six a. So um, firstly in relation to um schedule two and specifically requirement five that relates to um, uh detailed design approval.

00:04:30:23 - 00:05:05:18

Um, so present detailed design approval. Um is confined to um work number one, the panel's work number two, the the best battery energy storage system. And work number three substations with work number five, which relates to works associated with electrical cabling to be in accordance with the concept, design parameters and principles. So, um, so in looking at those detailed design requirements, um, admittedly, um, work's number one, two and three.

00:05:05:27 - 00:05:18:05

Um, as I say, the panels, the bears and the substations are perhaps the most visible, um, elements of the scheme. But there are also other important, um, design elements.

00:05:20:07 - 00:05:51:12

Um, so in relation to the written question, 1.5.2 which looked at this, this specific point about the provisions in requirement five, and there are other requirements of requirement five in relation to detail design. And the applicant responded by saying that there's there's no planning reason for any of the other works to be covered by that requirement. And I just wanted to pick up specifically, um, work number six, um, which includes, um, a range of boundary treatments, landscaping, security, lighting and so on.

00:05:51:14 - 00:06:25:26

And whether or not. It will be reasonable to to look at the detailed design elements of that as part of this requirement. Um, just picking up specifically a point that was made by um, Lincolnshire County Council in their response to another another question that the suggestion there was that, um, under that requirements requirement five, an additional bullet point be added to require approval of landscaping works, including detailed landscaping, sorry, including detailed planting layouts, specifications and and programme.

00:06:26:07 - 00:06:35:00

Um, so so yeah. Mr. Brodrick, do you have any response in terms of what's currently included in requirement five and whether or not it be reasonable to expand that provision?

00:06:36:02 - 00:07:28:06

Uh, collaborate with the applicant? Um, yes. As we mentioned in our response to first written question, 1.5. 2.21. Requirement five is specifically designed to deal with the kind of above ground design elements of the various aspects of the um scheme. However, there are other aspects of the scheme that are dealt with in um, other requirements. So to take the example you mentioned about fencing, um, requirement ten deals with fencing. Um, and uh, so paragraph four of requirement ten does state that the written details provided as part of the details of the fencing for approval must be

substantially in accordance with the relevant concept, design parameters and principles, so that link to the detail contained in the design parameters and principles for fencing is in there.

00:07:28:08 - 00:08:03:17

It's just not requirement five. It's requirement ten because it's a specific requirement relating to fencing. Um, similarly for landscaping, um, the detailed design of the landscaping and the programming of that landscaping is dealt with via requirements seven. So all landscaping needs to be approved via the um landscaping Ecological Management plan. And therefore we don't we would consider it to be duplication for there also to be a requirement in. But an additional provision in requirement five for the landscaping to be approved.

00:08:04:26 - 00:08:29:15

Under requirement five, in addition to being approved under requirement seven. So where we've similarly with lighting, um. Uh, there's other aspects of um, the design, um, that are captured in other requirements. So that that's the reasoning why requirement five doesn't list. Um. Oh, it doesn't refer to absolutely everything that comprises the authorised development. Thank you.

00:08:30:19 - 00:08:48:26

I guess it's a question of navigation around all of these different elements, isn't it? And understanding that we've got that requirement five in terms of detailed design for the, as you say, the above ground elements. Um, but that's also set out in the concept design and parameters plan. And it's understanding how all of these things work together and connect. Um, that's, that's important.

00:08:49:21 - 00:09:32:19

Uh, for the applicant. Um, yes. And the reason, um, typically why it's spread out into topics like this is because for us, for a project of this scale, it's quite typical to do different parts of it in different, um, stages. So the when you're dealing with the fencing, for example, the fencing require uh, covers both the temporary fencing which will be in place during um, construction, but then the permanent fencing and the detail of that fencing, uh, the design detail might not be available or known at the same time as you're seeking to discharge the external appearance of the inverter boxes, for example.

00:09:32:21 - 00:10:03:25

So it just gives that ability to deal with elements of the scheme individually and to give clarity that when we're submitting an application, um, that it's, it's it relates to each of the topics that are listed in the requirements. Otherwise I think the discharge of requirement five would become quite cumbersome. Um, and um, that really is mainly detailing the external appearance of the main elements of the scheme. Keep.

00:10:07:24 - 00:10:15:09

Thank you. Does anyone have any other points to make under, um, this particular agenda item before we move on?

00:10:17:00 - 00:10:17:24

Okay.

00:10:21:07 - 00:10:29:06

Moving on to requirement nine of schedule two. This refers to biodiversity net gain. Um.

00:10:32:19 - 00:11:25:29

So the draft DCO doesn't require, um, a specific percentage of biodiversity net gain for each type of unit. Um, and in response to this particular query in the written questions and 1.3.9, the applicant said that sets out this is because there remains significant uncertainty about how and biodiversity net gain would be implemented in relation to end up schemes. So just in terms of clarifying the applicant's

position, is the applicant relying on a percentage increase in, um, biodiversity net gain to be delivered or um or or measures to be implemented through the scheme in terms of the benefits or is it the percentage or is it the specific measures to be delivered by the scheme in terms of being recognised as a benefit of, of the development overall?

00:11:28:13 - 00:12:06:13

A capture for the applicant. Um, yeah. So I see, as you mentioned, there is there as this is evolving, um, as an area, um, different approaches are being taken by different, um, developers. Um, and it remains to be seen how the specific regulations will apply in relation to nationally significant infrastructure projects when they are eventually, um, consulted upon. What we are saying is that we are committed to delivering all of the enhancement measures that are set out in the outline landscape and ecological management plan.

00:12:06:24 - 00:12:52:13

Um, and in the um planning statement, we have, as you know, an exercise has been undertaken to establish how many units that equates to based on the metric that was used at the time that exercise was undertaken. Um, however, and so there's a commitment to delivering the enhancement measures. Um, what the applicant was concerned about was that if we mentioned the specific percentage on the face of the DCO were the metric or criteria to change between now and when we come to construct the project, it could mean that we would potentially not be able to comply with the revised calculations.

00:12:52:15 - 00:13:29:01

And in order to, um, change that, if the percentages were on the face of the DCO, we would have to make, um, a change application, probably a non-material change application, but there would be a process that we would have to go through in order to do that, even though all of the actual physical enhancement measures were approved by all of the relevant stakeholders. So our position at the moment is that because of that, the changing landscape, um, it is preferable to not have the specific percentages mentioned on in the on the face of the DCO.

00:13:29:03 - 00:14:17:21

However, there are a range of different approaches being taken. So some DCO developers are taking the same approach as we are. Um, some are referring to a minimum of 10%, um, which accords with the um, emerging legislative um, requirements, albeit that they're not in force yet for any steps. Um, albeit that 10% doesn't really reflect the, um, the quantity of um, BNG being typically delivered for solar projects and then some, some projects are, are including a percentage and some are including a slightly lower percentage than, um, they've calculated to try and give some degree of flexibility should the metric change.

00:14:17:24 - 00:14:39:24

So there is a wide range of different approaches being taken. But our view at the moment is that it is preferable not to have that specific percentage on the face of the part of the DCO, but the commitment to delivering the enhancement measures and the weight that can be attributed to those enhancement measures, um, being delivered, um, is clearly set out in the management plan.

00:14:41:25 - 00:14:42:10

Thank you.

00:14:50:16 - 00:15:11:26

Thank you. That's that's helpful. It's clearly an area where there is some, um, uncertainty that the we're in a state of sort of transition, I guess. Um, does anybody else have any particular comments about the approach to, to being and how that's being secured through the, um, the draft DCO? I think so. Thank you ma'am.

00:15:11:28 - 00:15:45:08

Stephanie Hall, Lincolnshire County Council On the approach we've taken across all DCI, regardless of the approach taken by the applicant, is that if it's obviously if the applicant choose what is secured or what is not, but if it is not going to be secured, that should have a material effect on the weight that can be afforded to it. So it's the applicant's choice not to seek to secure the percentages relied upon in the planning statement. But if that is the approach, then that affects and reduces the weight that can be afforded to net gain in the planning balance.

00:15:45:10 - 00:15:59:04

Obviously our preference for it would be for a large enhancement to be secured because that's what's best for Lincolnshire. But if that is not going to be pursued, then there should be a commensurate reduction in the weight that can be afforded in the balance. Thank you.

00:16:01:03 - 00:16:02:16

Yes, Mr. Shaikh.

00:16:03:02 - 00:16:35:13

West Lindsey District council. Yes. We entirely agree with, um, Lincolnshire County Council's position on this. The other point I just ought to mention is that in relation to the biodiversity metric, that was an issue that we've previously explored in other DCS, and it was also an issue raised in Longfield DCO, where correction order was made in order to assess that specific point. And the answer is either there can be a degree of flexibility to account the changing in metrics, or the metric can be set so that the percentage isn't potentially going to change if the metric calculations later change.

00:16:35:15 - 00:16:36:18

Okay. Thank you.

00:16:38:21 - 00:17:05:05

So a couple of points there, Miss Broderick. Firstly, in terms of of the weight that can reasonably be attached to being if the percentage isn't, isn't specified, and then the fact that that um, that there can be a response to, to change the metric can be set. And presumably the applicant has considered those points, particularly in terms of weighting. Um, and to reach the point there right now is, is is there anything further you'd want to say on those? Those points, please.

00:17:06:02 - 00:17:44:26

Um, Claire, the applicant. Um, just to reiterate that obviously we are committing to delivering the actual enhancement measures themselves. So we do. We don't think that the we wait can be attributed to the delivery of the enhancement measures. Um. And that that will be a biodiversity net gain. Um, obviously some consideration would need to be given as to whether it would be appropriate to give less weight to an enhancement measure that's being delivered just because it's not linked to a specific percentage at this particular point in time.

00:17:44:28 - 00:18:22:26

But what I would say is that this is an evolving position, and we're watching closely what's happening, um, across a whole range of projects coming forward at the moment. And it's definitely something that we're keeping under review. Um, the applicants is very much committed to delivering biodiversity net gain in Lincolnshire, and it wouldn't want it to appear that it's not going to deliver that as part of this scheme. So we are keeping, um, the drafting under review. And if we feel, um, that it's necessary to include percentages for appropriate weight to be given, then we will obviously take that, that away.

00:18:22:29 - 00:18:25:05

Okay. Thank you. Thank you.

00:18:39:05 - 00:18:43:07

Just a particular point on wording in relation to um.

00:18:45:13 - 00:18:48:12

Requirement. Nine.

00:18:50:16 - 00:19:18:07

And I noticed that, um. The drafting has been amended to require that the biodiversity net gains strategy must be substantially in accordance with the Outline Landscape and ecological Ecological Mitigation Plan. Am I must be implemented as approved? Is. I just want to understand the rationale for that wording, particularly substantially in accordance, and whether or not any greater provision can be required, provided there is.

00:19:19:21 - 00:19:58:09

A clear picture of the applicant. The reason why we've used a substantially in accordance is because, obviously the outline landscape in ecological management plan is not the final version. Um, and so we wouldn't want to have to, uh, if the final version will contain more detail. Um, the biodiversity net gain strategy will obviously need to take into account what's approved in the final version. So it we feel it would be inappropriate for it to be fixed. What's in the outline landscape in environmental plans, because that doesn't contain the requisite level of detail that we think will actually go in the final biodiversity net gain strategy.

00:19:58:11 - 00:20:08:25

But we can have a look at that wording, um, to see whether it can be linked to the final version of the landscape. An ecological management plan that's.

00:20:08:27 - 00:20:09:12

Approved.

00:20:10:02 - 00:20:11:17

Pursuant to requirements seven.

00:20:37:29 - 00:20:43:22

Okay. And has anybody got any other points or final points to raise under this particular item before we move on?

00:20:52:18 - 00:21:19:07

Just as we're running through just a final point on requirements, actually just just a small point under, um, requirement 11 surface and for water drainage, I know that the maintenance provision at 11 four has been removed, and I haven't made a note of where that when that was removed, but I know it's been removed. Um. And I just wondered if we could. If you could clarify that, please.

00:21:22:24 - 00:21:23:09

Uh.

00:21:24:03 - 00:21:42:23

For the applicant. And that was just to ensure consistency with the other requirements. So the all of the requirements, um, must be implemented. Um, and the applicants position on that drafting is that implemented? Um, includes maintenance where the plan itself has ongoing obligations in it.

00:21:45:01 - 00:21:47:15

So it was just to make it consistent with all of the other.

00:21:47:17 - 00:21:48:02

Thank you.

00:21:48:18 - 00:21:49:25

Requirements. Thank you.

00:21:53:02 - 00:21:56:23

All right, uh, moving on then, to, um.

00:21:58:29 - 00:22:04:06

Agenda item six. See the deemed um and schedule nine, the deemed marine license.

00:22:06:03 - 00:22:36:11

Where do we start with this one. Right. So, so we've got um, representations from the um Marine Management Organisation, the MMO um, relating to a number of things. Firstly, the principle of including a deemed marine licence in the draft DCO, which they don't support. Um, they've also noting that that comment first of all the on principle, they've also provided comments on the on schedule nine the deemed marine licence on or without prejudice basis.

00:22:39:15 - 00:22:51:21

Um. So. So I guess there's a starting point is to, is to ask, um, use project for the applicant to perhaps explain the rationale for including schedule nine in the DCO at this point, please.

00:22:53:18 - 00:23:35:27

The cloud project for the applicant. Um. So the just by way of background, the D marine license, um, relates to the crossing of the River Trent. And that's because the River Trent is tidal in this location. So works to it would require a marine license unless an exemption applies. Um, at the moment, it's envisaged that the works that are proposed both by this scheme and also the cotton project and Gate Burton project, because it's the shared cable corridor and this location, um, would qualify for an exemption and therefore not, um, require a marine license.

00:23:35:29 - 00:24:16:10

However, um. There is no guarantee that that exemption will continue to exist at the point where we come to construct, or that the criteria for meeting the exemption will be satisfied and in the gate burden. Um. Energy park examination. The MMO did concede that whilst exemptions apply at present, they could be removed in the future. Um, so as part of um, the principle of the DCO, um, being a um, one single regime, the applicant's position was that it were to avoid any impediment to the construction of the project.

00:24:16:12 - 00:24:57:06

Um, it would be appropriate to include a deemed marine licence should it be required. Um, at the point that we come to construct and that the MMO would have the ability to, um, approve. Um, the technical detail in the usual way that they do for marine licences that are included in a draft. DCO. So the applicant's position is that it would its preferences to include the marine licence. And that's really because if a marine licence is required, the timescales for obtaining one are, um, somewhat uncertain and they can take quite a long time, um, to obtain.

00:24:57:08 - 00:25:28:05

So to keep on programme, um, it's considered appropriate. Obviously the Secretary of State will um, when considering whether to grant the marine licence, will take into account the comments by the

MMO and should they agree with the MMO, um, on the principle of it then then the marine licence we would expect, which would be removed from the final version of the DCF consent is to be granted. However, the applicant's position is that there is merit in including one.

00:25:28:18 - 00:26:03:19

Um, should it be required? Um, as you mentioned, um. The MMO. Um. Submitted at deadline three. Representation on or without prejudice basis on the drafting of the Demarai licence that was similar. Um, pretty much identical to the submission they'd made in the gate Burton application. So we at deadline three had already updated schedule nine to include the vast majority of the amendments, um, that they'd requested on gate Burton scheme.

00:26:03:21 - 00:26:34:20

There are a few amendments, um, that were not considered necessary, and we will be providing a full response in writing to their schedule, setting out each of the amendments that they required. But at the moment, there remains that that point of principle. Um, difference in terms of its, um, the necessity of its inclusion. But the applicant is hopeful that we will be able to try to reach agreement on the actual drafting of the deemed marine licence.

00:26:34:22 - 00:26:46:14

They they ran out of time on gate Burton examination on to um to agree that wording, but we're hopeful that we might be able to reach agreement on the wording in the Cottam and the West Burton projects.

00:26:46:22 - 00:26:47:18

Okay. Thank you.

00:26:52:23 - 00:27:32:29

So just just looking at that, the specific, quite detailed comments that the, um, the MMO have made about this approach to having the deemed marine licence in in the DCO. And on that point of principle. And so so they're suggesting particularly that the usual requirements in terms of granting a marine licence and in terms of information, and particularly around the environmental implications of, of, um, that, that granting process that are suggesting that that's, that's maybe not been completely covered by, by the applicant in, in schedule nine is do you have any particular response to, to that, that point.

00:27:33:26 - 00:28:07:07

Uh, Claire project for the applicant? Um, the applicant's position is that all of the necessary information is contained within the DCO application itself, both in terms of the environmental assessment, um, particularly in relation to um, matters relating to hydrology and also, um, the mitigation measures that are set out in the Outline Construction Environmental Management plan. What we'll be doing as part of our response to their deadline three is setting out effectively a a note or appendix that that clearly highlights where that information can be found.

00:28:07:09 - 00:28:17:26

So our view is that the information is there. But perhaps, um, the MMO have not had the opportunity to review the full suite of DCO application material at this stage.

00:28:18:15 - 00:28:46:15

And I guess, to be fair, that the full suite of application material is pretty extensive. So so providing that signposting would would be, I'm sure, um, very welcomed and helpful. Um, so in terms of the timescales for this then and obviously, um, uh, time is ticking in terms of this, this examination, you've so the applicants intending to respond to the memo. In the in the, in the, in um, what sort of timescales are we talking about? I suppose is what I'm trying to ask.

00:28:47:14 - 00:28:57:17

A clear portrait of the applicant, so the formal response will be submitted at deadline for in relation to their, um, deadline. Three um, submission. But um, uh.

00:28:59:04 - 00:29:15:29

We can, uh, look at, um. Sharing the drafting changes, obviously, with them directly before that deadline to see if agreement can be reached on the actual drafting prior to deadline. Uh, deadline for um, but that that's the timescales that we're working towards at the moment.

00:29:16:04 - 00:29:50:16

I think that would be helpful if we could sort of push things on as soon as, as soon as possible. Um, with this just just to get some, some more clarity. And there's a particular point, um, that they've made about, um, in terms of the, the licence, the applicant seeking to make provisions for situations in which they are unable to undertake the activities as anticipated, enabling different activities to be undertaken to achieve the same end but not falling within exempted activity. Is this something that's that's covered again in the applicant's response to, um, the MMO? Um, in terms of what's what can be accommodated?

00:29:52:07 - 00:30:29:00

Uh, clear portrait of the applicant. Yes, that will be set out. So it's it's mainly, obviously where the scheme has been designed to horizontally directionally drill under the River Trent. Um, however, there are as with any operation, and sometimes it doesn't go according to plan. And what what the response is seeking to say is, well, if you need to do some, um, take some measures, um, in as a consequence of it not going to plan that could be an, an activity that would require a marine licence.

00:30:29:02 - 00:30:53:12

And what we're seeking to do is make sure we don't inadvertently find ourselves in breach of not having a marine licence because we're, um, seeking to recover a drill head or, uh, you know, there's a various other circumstances that can be given as an example, but it's very much a, um, sort of worst case scenario. But the consequence of that would be obviously an offence if we didn't have the relevant consent in place.

00:30:57:09 - 00:30:57:24

Thank you.

00:31:03:01 - 00:31:09:29

Does anybody else have any points under this particular item before we move on? Okay. So moving on to um.

00:31:14:15 - 00:31:46:17

Item D and the schedule of of protective provisions. So as was mentioned earlier on, this is um, an aspect of the draft development consent order that has been, um, refined and modified and progressed in various ways as, as time has gone on to, um, to, to deal with, uh, the points made by, by the various parties that are included. And I think we can probably run through these, these fairly swiftly. Um, so in relation to Network Rail, um.

00:31:48:04 - 00:32:08:23

And if there's a comment at deadline three say suggesting that protective provisions are currently under negotiation. Um, ah, but they haven't, um, that we haven't received comments back. But I'm hoping that obstacles to reach an agreement will be minimal. Is there any anything to update from the applicant in relation to the protective provisions for Network Rail Part ten?

00:32:10:08 - 00:32:42:14

Uh, Claire project for the applicant? Um, yes. In respect of Network Rail. Um, the, uh, work in relation to the associated property documents, um, is progressing. Um, I think as we'd mentioned in our, um. The schedule of progress, which I think the last one is rep 2015. It was important to reach agreement on the property documents in order to be able to agree not to exercise compulsory acquisition powers against them, which is part of their standard terms for their framework agreement.

00:32:42:22 - 00:33:12:22

Um, our comments on the framework agreement have now been sent back to Network Rail, which they're reviewing, so we are hopeful that agreement will be reached. Um, shortly on, um, the framework agreement, um, and we are just reviewing the protected provisions, um, included in the draft DCO at the moment as against their most up to date precedent, um, protective provisions to see if any changes need to be made, um, to schedule 16.

00:33:13:06 - 00:33:13:21

Okay.

00:33:24:21 - 00:34:01:29

Okay. Thank you. Um and under be EDF energy. Um so EDF Energy Thermal Limited. So um EDF Energy Thermal Limited are the owner of West Burton, a power station, and they've responded to, um, a written question at deadline three, referring to their responsibility for the safe decommissioning and demolition of the power station following closure in March 2023. And it sets out that decommissioning is complete and the site has now been handed over to the demolition team, with demolition expected to be completed by February 2028.

00:34:02:09 - 00:34:32:21

Um, and so on that basis, the early stages of the construction of the proposed development, including cable installation, would, um, if the date DCO is is granted overlap with the demolition of the power station. The representation goes on to state to say that decommissioning and demolition programme is complex and includes demolition events involving explosives. It's therefore important that EDF has full control over the land holdings, in particular in in relation to the construction and operation and activities.

00:34:33:29 - 00:34:38:02

Uh, to ensure the safe completion of the demolition program. Um.

00:34:41:10 - 00:34:59:04

Within the prescribed time timetable either to February 2028. In the event that that wasn't the case, and if the promoter was authorized to acquire rights over and take temporary temporary position, then EDF considers that this would cause serious detriment to its undertaking, and so.

00:35:00:20 - 00:35:20:14

I know. I'm aware that EDF are engaging with the applicant as to the content and form of proposed protective provisions. Um. So there may be ongoing work to, to to address those concerns and accommodate those within the protected provisions. Um, I just wonder where where, where things are up to. Please.

00:35:21:26 - 00:36:05:06

Uh, Claire, project for the applicant. Um, yes. It's correct that negotiations are ongoing, and we did recently receive, um, Edf's draft form of protective provisions, which we're currently, um, reviewing. Um, the applicant doesn't consider that there will be, um, any implications on their demolition works as a result of our, um, scheme, but, um, appreciates that EDF require those assurances in order to meet their time scales. Um, as can be seen from the change application, we are working very closely with

EDF, both in relation to the West Burton project and also the Cotton project, where they also own, um, the former cotton power station land there as well.

00:36:05:19 - 00:36:37:04

Um, and um, they are supportive of the change application and the use of um, access roads, albeit, yes, subject to restrictions that will be put in place in those protective provisions. So we don't foresee there being any issues. It's just a case of, um, agreeing the drafting of it. And those protection provisions will, um, in the same way as for other statutory undertakers, limit the application of the powers that are being sought in the DCO to make sure we don't, um, cause any detriment to their undertaking.

00:36:37:06 - 00:36:38:05

Okay. Thank you.

00:36:40:25 - 00:37:10:29

Just just an additional point sort of linked to this. I know the local impact report submitted by Nottinghamshire County Council refer to the future development plans for um for the power station. Um, and specifically um, there was a question on whether effective arrangements had been built into the DCO to ensure appropriate consultation with EDF, the UK Atomic Energy Authority and relevant local authorities over the final cable routing. Um, does the applicant have any particular comments on on that point?

00:37:16:25 - 00:37:50:21

For a clear portrait of the applicant. Um, yeah. As I said, we are obviously working with EDF, the location of, um, the particular cable route here only. It's only a very small section of EDF land, because National Grid's existing substation is located to the very south of of the site here. So it the the cable route is not going through the majority of the EDF land that's required for um, for redevelopment or put forward for redevelopment. Um, so the applicant's position is we don't think there will be any um.

00:37:53:07 - 00:38:29:28

Um, any reason for the scheme to, um, prohibit any development plans for the remainder of the site? And the land to the south of um West Burton Power Station is owned by other landowners, and we are working with them. Um, another solar DCO is proposed for for the land immediately south. Um, so that's not going to be developed as part of the redevelopment of West Burton Power Station in in any event. But we're working with the solar developers and the landowner there to make sure that our cabling can co-exist with the solar project that's proposed in that location.

00:38:30:00 - 00:38:36:11

Should it be should it be granted? So there is a lot of engagement going on in that area of the cable route corridor.

00:38:36:13 - 00:38:42:27

And I guess we'll come back to the specific land write points in the, um, the CCA hearing in a couple of weeks time. Okay. Thank you.

00:38:45:20 - 00:38:57:01

Um, so the next item, you'll be relieved to know I've included the memo there in error, so I can just skip over that. Um, uh, Canal and River trust.

00:38:58:17 - 00:39:22:08

So again, we're aware that various updates to the draft echo to reflect ongoing discussions. Um, the Canal and River trust did raise some concerns in their written representation. Um, and I'm aware that

discussions or it suggested in the deadline to update the discussions are ongoing. And could could you clarify the current position, please? Um, Miss Broderick.

00:39:23:02 - 00:39:56:02

Uh, the applicant. Yes. The, um, protected provisions that were included in part 13 of schedule 16 of the draft DCO submitted at deadline three, um, are in an agreed form. Um, so we've taken on board all of the comments of the Canal and River trust, both in terms of the drafting of, um, the, uh, project provisions themselves. Um, some amendments that were required to article six. Um, and also some amendments to the wording in the concept design parameters. So each of those points, um, have now been addressed.

00:39:56:04 - 00:40:10:25

Obviously Canal and River trust will have only seen the final forms of those documents that deadline three. So we're expecting their deadline for submission to confirm that they don't have any outstanding points. Okay.

00:40:29:09 - 00:40:30:25

So moving on to.

00:40:33:21 - 00:40:34:09

Well, we know.

00:40:36:00 - 00:40:38:11

Item f, I think.

00:40:40:15 - 00:40:46:26

Sorry. Um, and just just picking up on on. Um.

00:40:48:17 - 00:41:19:00

The vaccine provisions, which haven't yet been agreed. So obviously, the, um, schedule of progress regarding protective provisions and statutory undertakers revision a um, sets out ongoing negotiations with a range of um undertakers. Um, and I just wondered again if we could run through these, um, reasonably, reasonably swiftly. So National Grid Electricity Transmission PLC, which is part three.

00:41:19:13 - 00:41:41:15

So amendments to DCO revision at revision B, um, and I'm aware that the applicant is continuing to discuss detail the protective provisions, um, with National Grid Electricity Transmission plc and an associated um side agreement. Um, again, is there anything further to update at this stage?

00:41:43:18 - 00:41:44:05

Uh.

00:41:44:19 - 00:42:21:23

For the applicant. Um, just before I go on to National Grid, I'll just mention the Environment Agency, which I think was also on your list, just so it doesn't get just sort of gotten. Yes. Um, yeah.

Discussions are ongoing with the Environment Agency in respect of the statement of common Ground. Um, as part of that work, um, we are expecting some comments on from their legal team on the protected provisions that are being included in the draft DCO. Um, for the benefit of the Environment Agency. We haven't yet received those comments through yet, but when we do, um, we'll we'll review them and then include any updates in in deadline for version of the DCA.

00:42:21:25 - 00:42:39:26

But that's just with them to send us any, any comments they might have. Um, on the version we've included, which is, is a version that's been used in other DCS, so we'd expect it to be finally fairly minor updates if they if they do want any changes. Um, in relation to National Grid electricity transmission plc. Um.

00:42:41:24 - 00:43:20:13

Discussions are ongoing. We've received their template documents. We're just waiting for them to confirm whether any bespoke provisions are required for this particular scheme. Um. Similarly similar position um applies in relation to National Grid electricity distribution. Um, we have there um precedent documents which we are reviewing. Um, similarly with Northern Power Grid, um, we've had uh, we're further progressed with Cadent Gas Limited. They're only a couple of points outstanding in relation to that side agreement relating to, um, the indemnity and arbitration, um, provisions.

00:43:20:15 - 00:43:38:00

But the drafting in relation to the approval of works, etc. is all agreed. Um, and then in relation to Uniper and excellent again, we've received draft protected provisions which we are reviewing, particularly with Uniper in terms of how they um.

00:43:39:26 - 00:43:59:07

Work with the DfE protected provisions that have also been sent through because they cover in places a similar area of land. So we're just checking to make sure that there's a consistency of approach in terms of the way the works have to be approved, but we remain confident that, um, agreement will be reached with with each of the statutory undertakers by the end of the examination.

00:44:00:21 - 00:44:31:15

People in terms of, um. Lincolnshire Fire and Rescue, part 16. I know there were, um, additions at revision B of the draft. DCO um, and I note the answers of the applicants and Lincolnshire to um written question one point 12.9, in relation to the um health and fire safety provisions that had been set out in the local impact report. So. As I understand it, the agreed protective provisions for the Protection of Lincolnshire Fire and Rescue have been included.

00:44:32:03 - 00:44:34:09

Um at parts 16 um.

00:44:36:11 - 00:44:50:12

And I just just just at this point, um, just welcome Lincolnshire's. Um, comments. In terms of whether or not that that, um, addresses the points that have been made, if you're aware of the position on that, please, Miss Hawk, can you comment?

00:44:51:20 - 00:45:05:13

I'm Stephanie Hall. Lancashire county council. Yes, ma'am. As far as we're aware, this is, um, replicates what we sought and is consistent with other emerging DCS as they proceed through the system. So we don't have anything further to add. Okay. Thank you.

00:45:09:24 - 00:45:16:06

So anything else anybody wants to raise under, um, schedule 16, in relation to protective provisions?

00:45:18:07 - 00:45:21:22

Okay. So schedule. Um, 17.

00:45:24:05 - 00:46:04:05

Uh, procedure for discharge of requirements. Um. And. I know the various have been sorry. Various amendments have been made to article 46 and schedule 17. Um, particularly to ensure that the

Lincolnshire echoes are consistent with each other. Um. And we. Mr. Broderick, you reminded us earlier on about how these, um, these provisions have been amended. Um, particularly in terms of, um, approval timescales and, um, financial matters, I believe, is just just if you could just, just again clarify what's what's changed so far, please.

00:46:05:29 - 00:46:38:21

And Claire project for the applicant? Uh, yes. So in terms of the timescales, um, the, uh, period of time has been increased to ten weeks for the discharge of all requirements. An earlier iteration had, um, a ten week period for the more, um, complex requirements and then a shorter period for the other requirements. But, um, we have, um, as a result of, um, representations that have been made, we've, we've applied that ten weeks, um, to all requirements.

00:46:38:23 - 00:47:09:18

We note that, um, West Lindsey District Council have requested, um, a longer period of time, but we feel that ten weeks is sufficient to balance both, um, ensuring they've got sufficient time to properly, um, review the application, but also meet the programme for delivering, um, the scheme by the grid connection date. Um, and then, um, the other provisions, um, that have been in discussion relate to, um, the, uh.

00:47:10:24 - 00:47:43:22

Deemed approval should, um, any of the relevant planning authorities. Completely fail, um, to, um, determine an application that's been submitted. So there's two separate, um, provisions or mechanisms that apply here. So where a um application has been submitted with a statement saying that there will be materially new or materially different effects than the deemed approval is a the deemed the deeming is a refusal of that application.

00:47:43:24 - 00:48:14:16

But for every other application where there won't be materially new or materially different environmental effects than if the um relevant planning authority fails to deal with the application, then there would be a deemed approval. Um, the applicant's position is that this is proportionate and reasonable to ensure, um, a nationally significant infrastructure project can be constructed on time and that there are various mechanisms available to the relevant planning authority. So if they feel they don't have sufficient information, they can request that.

00:48:14:18 - 00:48:37:28

And that effectively stops the clock ticking. Um, similarly, if they they're free to refuse the application, should they feel that it's not appropriate. And the deadlines um, approaching. So it's really seeking to, um, prevent a situation where it just doesn't get dealt with and the applicant is left, um, in limbo, are not able to appeal it and not able to proceed.

00:48:38:25 - 00:48:40:03

All right. Thank you.

00:48:40:09 - 00:49:30:00

Um, and then sorry, the other matter that was, um, that's being discussed is in relation to, um, paragraph five, which is the payment of fees. Um, we had included drafting in relation linking um, that to um, the payments that are um, due for discharge of conditions under the Town and Country Planning Act regime. Um, as I mentioned earlier, Lincolnshire County Council have um, requested an alternative method of dealing with it where it sets out a prescribed fee that's due with a greater fee payable for the requirements that are more akin to the discharge of, um outline planning permission, reserved matters approvals, with then the remainder of the requirements being a discharge equivalent to a discharge of condition.

00:49:30:02 - 00:49:45:18

Um, so the applicant's um, been reviewing that drafting and will update the the next version of the DCO to include Lincolnshire preferred wording, assuming that that is also acceptable to West Lindsey District Council because the comments were made by Lincolnshire.

00:49:47:07 - 00:49:49:05

Thank you. Thank you, Miss Broderick.

00:49:53:08 - 00:49:57:22

So obviously I'd like to hear from the, um, the local authorities. I don't know who wants to go first.

00:49:58:12 - 00:50:13:06

Somerset West, the sheikh? Yes, yes. Please do. And I'll start with these. Um, we are very happy and welcome the change to the paragraph five, which deals with fees. Our position entirely aligns with that of Lancashire County Council.

00:50:16:28 - 00:50:53:02

If I move next to generally paragraph two, which deals with deemed consent and timescales, I should probably premise this by saying that our position is entirely consistent with our position. Relation to gate, Burton and West Burton gate, Burton and Cottam, um, which is firstly that that we don't support a deemed consent provision simply because in the context of potentially a cumulative number of schemes to which there is no control or limit on potential number of discharge applications for requirements we might get at any one particular point.

00:50:53:04 - 00:51:15:20

There is a concern, and this also feeds into the concern in relation to timescales, which means that it's a specific and unique situation which is not comparable to other DCS like Longfield, which does give a ten week, um, approval time period. But in this instance it's not, um, considered acceptable to have a deemed consent provision.

00:51:17:24 - 00:51:38:16

And in relation to. And that's primarily because the implications of. Potential discharge applications being deemed approved is quite significant, especially in relation to requirements which deal with detailed design which are akin to reserved matters. Application. So requirement five in this DCA.

00:51:41:26 - 00:52:21:06

In relation to approve time scales. Those points and justifications also remain for our position in respect of our request that there is an increase in the timescales, and our approach is simply that depending on whether or not the deemed consent period at the deemed consent um provision remains that that may change what we suggest as appropriate timescales. So if the deemed consent provision remains, our suggestion is that and our request is that the timescales are generally higher.

00:52:22:06 - 00:52:51:26

So for for requirements generally at 13 weeks instead of ten. And for requirement five, which is the detailed design requirement that that's 16 weeks, simply because that is the more onerous requirement if the deem consent provision is removed, we're content with ten weeks. For all requirements except requirement five and for requirement 513 weeks.

00:52:59:10 - 00:53:37:07

The other point in relation to paragraph two is my understanding of paragraph two. Subparagraph two. C is that it seems to be an intention to allow for extensions of time, albeit as it's currently drafted. It does relate to the trigger period for the ten week, um, period. So. Arguably, there could be a retrospective agreement that the trigger point for the ten week period commencing is changed and

pushed back later. But it might be simpler just to change the wording so that it's clear that it does allow for extensions of time in particular circumstances in relation to discharge of requirements.

00:53:37:25 - 00:53:39:23

So that might just be a point of clarification.

00:53:52:11 - 00:53:54:26

Thank you, Mr. Sheikh. Do you? Are there any. Any further.

00:53:55:24 - 00:53:56:19

Questions? All right.

00:53:56:25 - 00:54:05:26

Thank you. So, um, Mr.. Do you do you want to respond for Lincolnshire on those points? I'm just wondering how how closely they they align.

00:54:06:26 - 00:54:30:22

Um, Stephanie Hall, Lincolnshire County Council. Mum will take them in reverse order in relation to the timescales and deemed discharge. We have consistently not raised that as an issue, so we don't want to cut this check on my friend's house, but that's not been a point that we've ever pushed. Um, and obviously we're very grateful to the applicant for including our suggested wording on fees. So I don't think we have anything else to add.

00:54:30:24 - 00:55:02:21

And I understand that obviously the authorities will be dealing with different aspects of the indeed the application anyway. So. All right. Um. Thank you. Um, so, Mr. Sheikh, I'm assuming that the, um, Lindsey's preferred position is, um, removal of deemed consents. Yes. Okay. Thank you. So, um, Miss Broderick, do you do you want to make any any further comment? I understand that the the applicant has, has, has moved to some degree, and, and various suggestions have been made by Mr.

00:55:02:23 - 00:55:05:29

Shaikh. I just want to work whether where we go from here basically.

00:55:07:12 - 00:55:49:25

Uh, Claire project for the applicant. Um, yes. I guess it would just be useful to understand why West Lindsey District Council think that 16 weeks is a necessary period for approving the detailed design of this particular type of development, because when we're talking about the detailed design, we're talking about, um, you know, the final layout of the battery storage facility, which is, you know, a large box, essentially the potential paint color on the inverter, um, stations, this this isn't equivalent to a very detailed, complex mixed use development, albeit I appreciate it as a large scheme.

00:55:49:27 - 00:56:36:17

And there are other schemes going on potentially at the same time. But 16 weeks is a very long time, um, to, um, determine, um, such an application, particularly when we are looking at a very constrained construction timetable in order to meet a grid connection date of 2028. Um, I also don't really understand the point being made here, which is that they'd be willing to accept a lower time frame that they're not obliged to comply with. Um, so that doesn't really make the argument doesn't really make sense to me there that they, they could do it in they would accept ten week period, but there would be no consequence, um, as a result of not doing it, other than the applicant having to go off an appeal, which obviously will take a much longer period of time.

00:56:38:02 - 00:56:38:18

Thank you.

00:56:45:26 - 00:57:06:14

Yes, Mr. Shaikh, I'm just in terms of this discussion, I'm obviously very conscious that the parties have got their their positions, and there's perhaps very little benefit in taking this discussion much further during this, this and this forum, just because the party's positions are the party's positions. But, Mr. Sheik, how would you respond to the the queries that have been raised by Mr. Roderick Roderick?

00:57:06:16 - 00:57:38:12

Thank you, Madam Chair, Western Judicial Council, in relation to the first point, which is why we asking for 16 weeks, the simple answer is because a requirement five, the discharge requirement five might relate to the whole of the project. It may not. And the point is we don't know that's not controlled. And that means that arguably it well, if the discharge application came in for the whole project in relation to requirement five, then that would be akin to reserved matters for EIA development in 16 weeks.

00:57:38:14 - 00:57:50:18

We consider as appropriate in that context, it may be practically that that that isn't likely to be the case or that doesn't happen. But the point is that's not controlled as it currently stands within the wording of schedule 17.

00:57:52:16 - 00:58:22:19

In respect of why we say no deem consent provision should be included, quite simply because because of the cumulative effects and the cumulative impacts of a number of projects, but also because we don't really want to be in the position where we may be able to well, we're forced to refuse an application simply because we're concerned about the timescales and because the consequence would otherwise be that it's deemed approved. And that's quite simply the key reason behind it.

00:58:38:08 - 00:59:12:21

So in terms of moving these particular points forward, as I say, I understand the respective positions of parties and, um. Uh. I'm not sure how much further we can take things this afternoon. Um. There was a particular point about, um, the clarification under um, schedule, um, 17 two two. See, I think it was um, which perhaps related to drafting, which maybe is something that the applicant can take, take away and take a, take a look at, um.

00:59:16:13 - 00:59:17:01

If possible.

00:59:17:03 - 00:59:18:04

Please. Um.

00:59:22:06 - 00:59:25:24

I guess a point back to West Lindsey is really, um. Uh.

00:59:27:26 - 00:59:53:20

Will will the additional time make that much difference in terms of the the authority's ability to program and process applications? Um, would not a would a matter of a couple of weeks assist um in that process, noting that they will have to be determined in a reasonable time scale anyway. It's just trying to understand that particular point, how it would assist Westminster.

00:59:54:03 - 01:00:24:03

I think the short answer is yes, because we don't know how many discharge applications we might get from one single project or a cumulative number of projects. So that's that's our primary concern. The other point is just in relation to the clarification of paragraph two, subparagraph two, C, is that potentially if there is going to be um, a provision which allows extensions of time to be agreed that might help resolve some of the issues. So, so we'll consider that. All right. Once that clarification has been provided we'll take it away and respond. And right well that's okay.

01:00:24:05 - 01:00:42:01

That's that's a point to perhaps perhaps build on then if, um, we could look at, look at that and see if any, um, any, any greater degree of, of um, confidence can begin in terms of how that would work. Um, and therefore, um, how the deemed process might, might be have some degree of flexibility, should we say.

01:00:43:29 - 01:00:44:17

Okay.

01:00:51:29 - 01:01:05:09

All right. So we'll note that down as a as, as an action point as we've been doing with various items, um, through, through the agenda, um, is is there anything else to raise under, um, schedule 17? Before we move on.

01:01:08:20 - 01:01:25:09

Okay, so moving on to item seven, which is the opportunity for interested parties to comment on other aspects of the draft echo and raise any other matters not covered under previous items. Um, does anyone have any points to raise under this item?

01:01:29:28 - 01:01:38:00

Yes, sir. Do you want to come forward to the table, please? And to to a microphone? And could you say state your name, please, and who you represent?

01:01:40:29 - 01:01:50:11

Uh, my name is Stephen Spence. I'm chair of Martin Gay Burton parish Council. All these proposed solar parks

01:01:51:26 - 01:02:23:25

seem to have chosen the same route for the cables down the same narrow corridor of land, and they all seem to converge on the same point crossing point in the River Trent. We, as a parish council have asked all these applicants, including the applicant, today, if there is any coordination of cable laying, you know, to prevent major disruption of the land around the parishes of Martin and Gate Burton.

01:02:25:03 - 01:02:28:01

Uh, I wonder if the applicant could respond to that, please?

01:02:32:12 - 01:02:38:28

Do you have any comment to make in relation to Mr.. Councillor. Councillor Spence points. Thank you.

01:02:40:00 - 01:03:21:05

Claire for the applicant. And. Yes. So the the combined cable route um, was designed specifically for that purpose to reduce and try and minimize um, impacts, um, environmental impacts and impacts on local communities. Um, we the interrelationship uh, report that has been submitted, um, in the um, into the examinations for each of the um solar projects is a kind of a joint working document that sets

out, um, the the ways in which the projects are working together to try and minimize impacts as well as reporting on cumulative effects.

01:03:21:08 - 01:03:45:21

Um, the last version that was submitted into this particular application was at deadline two. Um, and that's um rep 2-011. Um, but that is an evolving document. And a further updated version will be submitted, I believe, at deadline for. Um, I'm just trying to find it, but there was some additional, uh, um, in.

01:03:48:17 - 01:04:35:18

The Outline construction traffic management plan that was submitted at um deadline three. So rep dash 013 um section seven um of that was updated to include a provision that said that in the event that the construction schedules, um, for this scheme and the Cottam solar project and the gate Burton solar project, um, overlap, then a joint construction traffic management plan, um, would be produced, um, that would set out the control measures relevant to those areas where there would be overlapping construction vehicle routes, for example, in order to, um, reduce and manage any potential cumulative um effects.

01:04:35:20 - 01:05:13:14

And that joint TMP would be um, agreed with the relevant authorities prior to commencement of construction. So we've added some wording to the TMP to um, uh, include an obligation to consider those joint joint workings. Obviously there is. At the moment, a degree of uncertainty, whether obviously all of the projects will be consented and if they are consented, what the construction timescales will be for them. But based on the grid connection dates for each of the projects, it's envisage that there will be some overlap if they are all consented.

01:05:13:16 - 01:05:24:00

And so we have provided for that kind of joint way of working as part of the DC application. So hopefully that's helpful at signposting where the information is.

01:05:25:17 - 01:05:56:14

So as Mr. Projects outlined, there are various and there's work ongoing to to to look at how if if those schemes were or consented how how um they would be coordinated in terms of the alignment of the, the cable route code and also the um, in terms of the delivery of the, the projects, the construction impacts, um, traffic management and so on. Is there anything specifically you wanted to to raise a in relation to those those concerns at this point? Does that help sort of set the scene?

01:05:57:25 - 01:06:09:07

Well, not particularly, but the what I've just had seen very vague to me. There's no definite, uh, coordination. It's just been looked at and.

01:06:10:09 - 01:06:37:12

Projects referred to quite a number of document documents that the joint report on the interrelationships between the projects is perhaps a good, good starting point. Um, for, for, for looking at the work that's, that's been going on, going to coordinate and the activities, particularly the big schemes that are being looked at locally. Um, and by all means, if you want to have a look at that and come back with any specific points, then you can do so in writing or at future hearings.

01:06:38:09 - 01:06:40:03

Okay, I'll do that. Thank you.

01:06:40:08 - 01:06:41:12

Thank you, Dr. Spence.

01:06:44:28 - 01:06:55:01

All right. Are there any other items? Um, any any anything else anyone wants to discuss under item seven, specifically in relation to the, um, the draft echo? Yes. Mr. Shaikh.

01:06:55:13 - 01:07:30:15

What's the institutional council? Yes. There are three points. Um, ma'am, all of them relate to requirements on the schedule two. Um, and the first is relatively simply just a request of the applicant to consider whether or not it might be sensible or helpful to have a phasing requirement. Uh, this is a point we've raised in relation to gate version and costume as well. Um, and we're very happy to provide some wording if, if helpful, but we'd suggest something similar to that in Mallard Pass, which has a phasing requirement.

01:07:32:07 - 01:07:35:04

Uh, at requirement three.

01:07:38:06 - 01:07:50:26

And that's the first point. At the second relates to retention or maintenance clauses. And you picked up earlier, ma'am, that the reference to maintaining the.

01:07:54:16 - 01:07:56:14

I think it was a surface in foul water drainage.

01:07:56:16 - 01:07:57:08

Yes, yes.

01:07:57:18 - 01:08:30:00

It's been removed. Um, so that it's consistent with the other requirements. Our position and request would be that, um, retention or maintenance clauses were added to a number of requirements. At present, they all just have implementation clauses. And we consider it to be more precise and clear. If maintenance clauses were added to requirements six. So that's the battery safety management. Requirement at nine BNG.

01:08:31:19 - 01:09:01:21

Uh eight. Ecological Protection and Mitigation Strategy 16, which is operational noise and 20, which is skilled supply chain and employment. And there is precedent for maintenance clauses in a number of other DCS. So long field had maintenance just in the surface and foul water drainage requirement. Gate Burton has maintenance in I think all of those I've just read out. Same with Malad Pass.

01:09:04:03 - 01:09:21:08

And same with Sonica, and Little Crow has maintenance clauses for at least the camp and operational noise requirements, so we do consider it to be. It would follow Preston and be entirely appropriate and more precise if there was maintenance throughout the operational lifetime to.

01:09:25:22 - 01:09:46:08

And the third point relates to requirement 21, which is the decommissioning requirement. And we note that there's been a template. There's a temporal limit now which is 60 years. But that that limit doesn't reflect. The environmental statement, which is assessed at 40 years.

01:09:49:11 - 01:10:11:25

This in some aspects overlaps with the environmental issue specific hearings. So I won't make any points at this stage about the, um, summary of significant effects, uh, document that's been provided.

But we would suggest that actually requirement 21 really ought to be 40 years in line with the ex, but perhaps substantively we can address that in due course. Yes. Yeah.

01:10:19:21 - 01:10:21:05

Thanks, mom. Thank you, Mr. Shea.

01:10:23:24 - 01:10:47:16

Yep. In terms of that, um, the 60 year limit. Well, we'll be looking at that in a couple of weeks time, so we'll park that for that. That's okay. Um. So, uh, Miss Bradford, in terms of the the other, um, two points raised by Mr. Shaikh, um, the suggestion that it will be helpful to have a phasing requirement. Um, is that something that the applicant has looked at or could look at?

01:11:00:08 - 01:11:01:00

Uh, Claire.

01:11:01:08 - 01:11:37:25

The applicant. Um, we will take the point away and have a look at the Malla pass drafting that was referred to. However, we need to make sure that it was actually applicable to this particular scheme in terms of the way it's going to be constructed. What would be useful to understand is the, I guess, the purpose of it. Is it that you is it that the local authority wishes to understand, uh, when the works on, say, West Burton one site are likely to commence? And if that will be a different time period to say, the cable route corridor or West Burton two rather it's not it's not a phase development.

01:11:37:27 - 01:11:58:28

As such, we haven't assessed it as being carried out kind of in one phase and then another phase at a subsequent point in time. There is overlapping construction across the 24 month period. So it would perhaps be useful, maybe to understand what the purpose of having the phasing requirement is. And then we can have a look at what wording might be appropriate to include.

01:11:59:10 - 01:12:10:01

So, so in terms of, Mr. Chair, going back to you in terms of the the benefit of having a phasing requirement and how that's that would be seen to work. Are you able to expand on that a little bit more please.

01:12:10:17 - 01:12:37:00

West Lindsey district. So yes ma'am. It's in relation to providing clarity in relation to the sites and when construction is going to occur. And also, um, importantly for us, when we can likely expect discharge applications to come in for relevant requirements in relation to particular phases. So it helps us better plan, um, in relation to especially if there is consent for a number of different schemes. Um, just when we are most likely to receive particular requirement, uh, discharge applications.

01:12:37:02 - 01:12:57:21

Okay. Thank you. And presumably in relation to this, this particular project, um, as Broderick, the fact that there are um, three different, four different elements to it, including the cable corridor, there is some sense in, in, in that point about the fact that there's presumably going to be some degree of phasing of those, those different elements.

01:13:00:08 - 01:13:35:08

At a project for the applicant. Yes. So the Outline Construction environmental management plan in section 2.3. So that was rep 3-018 already includes a section on um when it's anticipated that the works will start for, you know, for each of the for each of the sites. And that links back to the indicative construction program that was included in table 4.6 of chapter four of the ES, which is app 042.

01:13:35:17 - 01:14:00:17

Um, so at the moment, the intention is, is that the final version of the, um, Kemp would set out the construction program and give an indication of when it's likely that a works will commence for each of the elements, so we can take the point away and see whether there is a need for an additional phasing requirement. In addition to having to submit the construction program as part of the um, as part of the Kemp.

01:14:01:03 - 01:14:39:27

Okay. Thank you. Um, in terms of what, um, we've talked about, uh, and in terms of giving some certainty to, um, the local authorities in terms of their expectations of what might come in. I think it does sound like there may be some merit, but but, but please do take this away and and have a look. Have a look at that particular point. Um, and then Mr. Jake's, uh, second point was around the retention of maintenance clauses, um, separately in each of the requirements referred to, um, on the basis that, uh, the suggestion that maintenance isn't perhaps as fully covered in, in, in terms of implementation as, as it might be.

01:14:40:10 - 01:14:45:19

Um, and the fact that this is precedented elsewhere. Again, how would you respond to, to that particular point.

01:14:46:26 - 01:15:18:22

Um, Claire project for the applicant? Um, the applicant's position is that the wording isn't necessary, and it's not clear whether if you refer to maintenance, um, you're referring to the maintenance of the plan or the maintenance provisions that are contained within the plan, if that makes sense. So our preference is to just have the requirement required for the implementation of the plan itself. And then the plan sets out what works are required in terms of ongoing maintenance and monitoring.

01:15:19:01 - 01:15:45:06

Um, and then obviously a require a requirement to implement that plan is a requirement to implement those monitoring measures. So I appreciate that it has been included in other draft echoes, but for clarity, we would rather have ongoing maintenance and monitoring the detail of that included within the body of the plan, rather than it being referred to in in the requirement, just because it's not clear what you're maintaining.

01:15:45:15 - 01:15:55:07

Thank you. Thank you. And I can see that there's merits in both approaches. Um, Mr. Shaikh, would you want to come back on what Mr. Broderick has said by way of explanation?

01:15:55:23 - 01:16:23:00

Western District Council, just just simply the point, ma'am, that if the appellant has an issue with the word, may maintain, then it could be a retention clause instead. And that would be clear that it was retaining the plan as opposed to relating to any maintenance which is referred to in the plan. And there are there are retention clauses in other DCS to um, albeit most of them use maintenance, maintenance of the plan as opposed to retention of it. But but they do the same thing and they equally provide position and certainty.

01:16:24:14 - 01:16:37:12

Okay. Again, it's in different approaches. Um, but I would ask that the applicant sort of takes this away and considers what would be, um, most effective in terms of this, this DCO, and come back with a response, please.

01:16:39:00 - 01:16:39:19

Okay.

01:16:45:09 - 01:16:52:15

Does anybody have any. Um. Further points to raise. Um. On the DCO.

01:16:54:03 - 01:17:26:25

Yes, please mum. So Stephanie Hall, Lincolnshire County Council, just a very short, um, point, which is more of a placeholder in relation to requirement 12 on archaeology. Uh, you'll note that, um, it's a very brief, uh, provision in relation to archaeology at the moment. And the requirement merely requires that the authorised development shall be implemented in accordance with the written scheme of investigation. It is just a placeholder for, um, the environmental issue specific hearings, which will be undertaken on a future date.

01:17:26:27 - 01:17:57:29

But there's some difference between the parties on the substance of this point. And what flows from that is that Lincolnshire doesn't consider that such a brief requirement does the job. Um, given that there's a gulf between us in relation to the adequacy of pre consent investigative works, we would require those to be delivered in the DCO and then required as part of any consent as a minimum.

01:17:58:01 - 01:18:40:10

Obviously our preference is for them to be undertaken pre consent. But if that isn't going to happen our fallback position is that this requirement should be amended to specify what further investigative works need to occur, and that a further written scheme of investigation then needs to flow from that. So it's it's very difficult to deal with this without addressing the substance, but I think hopefully you stand the point that that we would require some additional drafting here. Um, given the difference between us on the on the adequacy of the written scheme of investigation as it is at the moment, and obviously we'll we'll support that with our substantive points at the environmental issue specific hearings, but just for a placeholder for now.

01:18:40:12 - 01:18:58:27

And, um, the additional drafting in terms of a longer requirement to replace what is currently requirement 12 has been proposed to the um applicants team in the context of another DCO, but we'll provide it formally in relation to this as part of our, um, written update after this issue. Specific specific hearing.

01:18:59:03 - 01:19:15:04

Thank you. That would be helpful. Yes, I appreciate that. We will have the more detailed discussions in a couple of weeks time. So it's probably be helpful to have that discussion on this particular point then. But if we could have sight of the the suggestion in that regard at that point, that will be that will be helpful. Thank you.

01:19:16:20 - 01:19:17:06

Okay.

01:19:20:13 - 01:19:28:28

All right. Um. So now we'll now move on to, um, item eight. Any other matters?

01:19:33:16 - 01:19:48:27

I just had a very small point on other matters which relates to the DCO provision. C and with reference to schedule seven, um, access to work. So the schedule of changes. Um.

01:19:51:06 - 01:20:01:09

Describes errors identified during um preparation work of the change application. I just wanted to clarify that. Really? So, um, do you need the reference more specifically.

01:20:02:05 - 01:20:32:08

Uh, for the applicant? Um, no. Um, the issue was that the obviously all of the access points on the plans were correct. It was a typical graphical error whereby there was a misalignment between the access column and the street column, and they got out of alignment. Um, and so when we tried to run a comparison, it looked very, very messy and difficult to follow. So we just replaced the whole schedule.

01:20:32:10 - 01:20:45:00

But um, as we've said in the schedule of changes, there is no change at all to the actual accesses themselves or where they are located. It was just an unfortunate error with transposing the information into the um, C template.

01:20:45:06 - 01:20:45:21

That's fine.

01:20:46:02 - 01:20:46:19

Thank you.

01:20:49:14 - 01:20:57:02

Okay. Just does anybody have any other matters to raise at all before we start to draw things to a close?

01:20:59:27 - 01:21:00:12

No.

01:21:03:06 - 01:21:16:06

Okay. So, um, in that case, we'll move on to item nine, which is a review of the action points arising. And I will hand over to John to do that for us, please. Thank you.

01:21:17:25 - 01:21:48:00

Thank you. So I've noted down various, um, action points. The majority of these will be required by deadline for 28th of February. Um, unless indicated otherwise. The first one was table 3.1 of the schedule of changes to the DCO as a request to the applicant to review and update any gaps as necessary by deadline for second the explanatory Memorandum update where appropriate.

01:21:48:02 - 01:22:21:16

So noting that an M has been provided as part of the change application and this change application hasn't been accepted yet. Uh, a request really for an updated explanatory memorandum to be provided by deadline for there may be little change, but it would be welcomed. Um, applicant check the name of the hedgerow plan. Slash important hedgerow plan in schedule 13 and 14 for consistency.

01:22:26:06 - 01:22:37:29

Applicant and Lincolnshire County Council to continue dialogue regarding articles 11, 14, 15, those around CMP and the various approvals.

01:22:41:10 - 01:22:54:12

On Marine management license, uh, to provide the examining authority with. To continue discussions with the MMO in progress. Give an update of progress by deadline for.

01:22:57:15 - 01:23:38:01

Deemed approval on timescales under schedule 17 to see. To look at a drafting update of that list for the applicant by deadline for um, consideration of maintenance and retention clauses, and provide an update by deadline for. That's for the applicant based on discussions and those proposals as explained by West Lindsey District Council. Further to that to for the applicant and West Lindsey District Council here to look at the phasing requirement, to look at precedents and and understand the purpose of review and wording for the applicant to take that into consideration.

01:23:40:04 - 01:24:12:27

Um. Just mentioned was a suggested requirement 12 wording on archaeology. So for al-Sisi to continue the dialogue and to provide that form of wording to the applicant and to the panel by deadline, for me and I have two ongoing actions. So there may be others, uh, on biodiversity net gain, an ongoing review of the approach within the DCO with regards to the percentage,

01:24:14:12 - 01:24:35:27

um, and to review precedence elsewhere and to to keep that under review. Really. And finally, from me on the change application that has been received, if accepted, consultation requirements to be progressed expediently, which was discussed earlier as well.

01:24:37:17 - 01:24:39:20

That's the ones that I've picked up. Do you.

01:24:41:06 - 01:25:12:12

Know? That's pretty comprehensive to me. Okay, so we'll move the, um. Having to to, towards close and, um, just like to thank everybody for their, um, participation and contributions today. Um, at this point, just remind everyone that we have our second open floor hearing tomorrow evening. Uh, this will be held here and live streamed from 530 with registration from 5:00.

01:25:12:21 - 01:25:23:12

Um, so as I say, thank you, everyone. Thank you all for your contributions and participation. And just to say that this issue specific hearing number two has now closed. Thank you.