

File Name: ISH5 8th Dec 2023 Part 2.mp3  
File Length: 01:06:08

FULL TRANSCRIPT (with timecode)

00:00:05:24 - 00:00:29:15

Welcome back everyone. It's 12:00 and the hearing is now resumed. Now, before we move on to item five, Miss Broderick, I did want to just return to hedgerows for a moment. I know we've had a lengthy discussion. Just a small point, and I just wondered if the applicant would be able to undertake a quick review of schedule 13 and the indicative plans, and make sure that all of the hedgerows identified in schedule 13 have been included in the indicative plans as well. If that's the intention.

00:00:31:09 - 00:01:06:05

Of the application applicant, my understanding is that the indicative plans show the indicative locations for access points, um, and um, uh, the cable route corridor rather than um. Every area where some form of um. Works may be needed to a hedgerow, for example, ones that run adjacent to the public highway that may need to be cut back or partially removed as part of access arrangements so that those locations are not shown on these plans.

00:01:06:07 - 00:01:24:08

They're just the sections where a distinct width is known. Now that will need to be removed to create a new access through a hedgerow, or to create the access for the cable corridor. Those plans don't list every hedgerow that may need to have some works done to them.

00:01:24:26 - 00:01:43:01

In which case, what's the control mechanism for those other hedgerows? Because as I understand that chapter 13 says, that part of the hedgerow, so potentially the entire hedgerow rather at this point in the week other than one metre of hedgerow could be removed or just a metre of hedgerow could be removed.

00:01:45:05 - 00:02:10:27

Um, as I mentioned before, we would look to make sure that the wording in the um outline lamp, uh, it's clearer, but the those areas aren't known yet, but they would be known at the detailed design stage. So in the final lamp that information would be provided. But it's not possible at this stage in the design process. To identify all of those locations.

00:02:11:17 - 00:02:42:04

Yep. And I do appreciate that. But in terms of the powers being sought under the DCO, one of those hedgerows where access isn't required, potentially the entirety of the hedgerow could be removed under the powers being sought. And so I'm just interested in where the control mechanism is to limit that. I think it goes back to my point of whether a maximum parameter could be inserted, or some form of wording into the DCO to make clear that it's not entirety or I say the entirety. I think you've already done that, but but a large part of the hedgerow.

00:02:43:03 - 00:03:27:18

Collaboration with the applicant. So as we've said, the it's only to the extent that it's going to be set out in the approved lamp. So when the detail of the extent of each hedgerow to be removed will have to be set out in that lamp and approved at that point in time. So there is a control mechanism. And the control mechanism on the extent of that power is via the lamp and the approval of that document. And so the as I said before, the applicant will need to um, in order to obtain the approval. Um have provided the details to make sure that the discharging authority is comfortable, that the, um, amateurs

that were assessed, um, that there are no new or materially different, um, conclusions to the parameters that were assessed in the environmental statements.

00:03:27:20 - 00:03:44:00

So there is a control, but the control mechanism is the discharge of the lamp. And because we don't know the extent of the removals for all of the locations, we don't believe it's appropriate to include that in the draft. DCO drafting the control mechanism is via the lamp.

00:03:45:00 - 00:03:48:07

Did you know that it wouldn't extend to 7.1m? Because that's what the. Yes.

00:03:50:21 - 00:04:16:03

Was it the applicant? Yes, that's what's been assessed. And so obviously, as part of this charge of the as I mentioned, as part of the discharge, I'm trying to think of an example. But if, for example, we've, we've we've assessed a 7 to 7.5 access, for example, but due to circumstances changing, um, the highway authority requires a wider visibility play in that particular location because, I dunno, I.

00:04:16:05 - 00:04:40:00

Think we've already had that discussion though, and that's covered off by the plans. It's the ones that aren't in the plans that they issue, because it seems that you have a wide range of power to remove almost all of the heads road potentially. And I'm just wondering where the control mechanism is on those. So we have a control mechanism for the access is we don't have control mechanism for all of the other hedgerows within the all the limits that are contained within central city. As I as I'm reading it.

00:04:41:08 - 00:04:41:23

The applicant.

00:04:44:28 - 00:04:46:09

That's that is a.

00:04:48:03 - 00:05:04:14

Paragraph four states that we can remove parts of the part of any of the hedgerows that are listed in the schedule. But then it says, to the extent set out in the lamp that's been approved, so we can only exercise the power in accordance with the extent that's been approved.

00:05:05:10 - 00:05:10:27

So. So you're relying on the approval process by the local authority to.

00:05:12:16 - 00:05:14:00

To be the control mechanism.

00:05:15:22 - 00:05:52:26

Never check the app. Yes, that's correct because the and that is an appropriate control mechanism for all of the elements of the scheme where it's been decided that as a form of mitigation, there should be, um, controls on that process so that the requirements are the appropriate place for controls relating to design and the specifications. This power is needed in order to make sure that the applicant isn't in breach of other legislation as a result of carrying out the scheme. It's that's why the power has been included, the power to remove the hedgerows so that we're not in breach of other, um.

00:05:54:09 - 00:06:06:18

Legislation that places restrictions on the removal of hedgerows generally, but the amount of hedgerow that's to be removed for this particular scheme, the requirements the appropriate place to control that.

00:06:09:19 - 00:06:40:20

How does that work in terms of consent? This project I'm going to give an extreme example. It might be I'm taking it to the extreme, but let's let's say that the the applicant puts in a lamp and the local authority as a result of numerous applications, resulting issues, or for whatever reason, doesn't respond in the required time under schedule 17 within the ten. Ten weeks that set up there and then deemed consent comes in. Is that deemed consent?

00:06:44:23 - 00:06:59:26

Problematic in this sense so that you can have large parts of hedgerows removed potentially. Would it just be that the outline lamp that you've shown, the final lamp that you've put in, that would get the deemed consent? Presumably. So it's whatever you've approved, whatever you've proposed.

00:07:02:18 - 00:07:04:20

A clever project for the applicant. Um.

00:07:07:29 - 00:07:32:03

The deemed. Um, approval processes, obviously. Yes. Would as with any requirement in the draft DCO um, if the discharging authority just failed to look at it, then the deemed approval process, um, would apply in that to ensure, um, that, um, the scheme is not unduly delayed.

00:07:32:18 - 00:07:48:18

Putting a plan, for example, on one of these non access hedgerows that suggested to the local authority that the entirety of that hedgerow needed to be removed and the local authority didn't respond to you, then potentially that entirety of that hedgerow could be removed.

00:07:50:02 - 00:08:29:17

That was the applicant. So we're talking about a scenario where the discharging authority didn't approve the requirement at all. So. And not not just a request. It would be that they had failed to deal with that application at all that the deemed approval process would apply for. But yes, that's the reality of it. But what I would say is, obviously we've built in mechanisms that provide a significant amount of time much greater than has been allowed for another projects ten weeks. The local authority to deal with the applications, we've included provisions to ensure that there is payments made for those applications, to ensure there is resource to deal with them.

00:08:29:19 - 00:09:04:01

We've included provisions that say where other statutory consultees need to be consulted, that we provide copies of the documents. So we have done there are a lot of mechanisms in that process. And what I would say is the reality is, is that if the local planning authority haven't had sufficient time, then they would have to refuse the application and it would go to appeal, or they could request further information and the time would stop. So it would be ten weeks of the discharging authority, not looking or doing anything, or the application at all in which that hypothetical situation would arise.

00:09:04:03 - 00:09:36:09

But we feel the amount of time given and the other processes allow for proper consideration, and that the DCO process and the discharge of requirements does result, does rely on the discharging authority, providing this function to ensure that the detailed design accords with the maximum parameters. They are the checking in the process. That's how the Planning Act 2008 works. It's designed to be that the discharging authority controls the development that's built out, and that's the reality of the situation.

00:09:36:27 - 00:10:09:05

I think of this project. I think it goes back to the point that we discussed earlier, and you're taking away as to whether or not there is a way of perhaps putting a maximum parameter either in the outline landscape environment plan or under the Concept Design Principles document. So I think that will deal at that point that. Thank you. I just wanted to raise it. Does anyone else come in on that point? As I know it was a new one. Mr. Shaikh Westlands district councillor. Yes, sir. West Lindsey District Council would be the relevant determining authority. All that requirement. The point that I just ought to make is in relation to discharging a detailed land.

00:10:09:08 - 00:10:27:09

Obviously, we can only do that if it's substantially in accordance with the outline. So to the extent that there are hedgerows which go far and beyond that in the outline, then obviously we can't prove that it's a point of qualification really for the applicant. How how mechanically that's intended. If the if it's going to be different to what is in the outline, then.

00:10:29:18 - 00:10:30:03

Because.

00:10:31:14 - 00:11:04:15

Like the applicant. So the way that it works is the reference to it being substantially in accordance with means that we can't produce a final document that has lesser obligations in it. It's perfectly acceptable and will be, um, carried out in practice that the the detailed document for approval can contain considerably more information than is available in the outline. That's substantially in accordance with doesn't limit, uh, the discharging authority to only approving a plan that contains exactly the same information.

00:11:04:17 - 00:11:18:21

A far greater degree of detail is intended to and will be included in the final plans. What the local discharging authority's job is to make sure that we are not committing to do less than we promised to do. In the outline plan.

00:11:19:08 - 00:11:35:13

There is an obligation on the applicant, not not the local authority, as your point is that, in summary, that it requires the applicant to provide something that substantially in accordance with, not the local authority, to approve something that's substantially in accordance with. That's my understanding of how it works as well.

00:11:37:17 - 00:11:43:00

Temasek West institution counsel Mr. Said. You might need to bring that microphone a bit closer to you because I can't quite hear you.

00:11:45:01 - 00:12:18:23

Western District Council and yes, so that's accepted at this point about environmental effects. So if a hedgerow is likely to be, um, there's an increased amount of hedgerow being removed in the detailed length that is for approval. That may give rise to different environmental effects, which are obviously not accounted for in the ease nor the outline length. So that's the reason we ask for the point of clarification, because if there may be that change the environmental effects because the detailed length is different in that regard, which which sets out further details.

00:12:18:25 - 00:12:49:01

But those details stray from what is set out in the outline then in relation to the amount of hedgerow removal. That's obviously something that gives rise to difficulties when we are to approve the detailed

length. But isn't the mechanism for that already included? So there's a certification process included by the applicant and the certificate to say whether or not, um, it's substantially in accordance with the findings of the environmental statements. And if it's not, then there's another mechanism for that to be dealt with. So I'm not sure I entirely follow your point, Mr. Council.

00:12:49:03 - 00:13:25:29

Yes, sir. It's not a substantial point at this stage. It's just one of clarification for the applicant. Just so just the point that it's for the applicant, obviously, to make sure it's substantially in accordance with the outline. Then, um, and just to. Point out that if there if it does stray beyond what the outline length sets out as far as hedgerow removal, that may not be in accordance. So it's just a point of clarification. I want to be aware. Yes. And I think that's the point that this project is taking away in terms of the, um, whether or not there's a way of putting a maximum amount in the outline length, um, and all the concept design principles to give some clarity around that point.

00:13:26:01 - 00:13:26:16

Yes. Thanks.

00:13:27:15 - 00:14:04:08

Clever. To the applicant. Yes. That's correct. So the, um, outline length will be um, some additional wording will be added to that. But I draw attention to um requirement three which sets out the process, which basically means that if the if we want to make any amendments to the outline, for example, um, we would need to demonstrate that it wouldn't give rise to any, um, is unlikely to give rise to any materially new or materially different environmental effects. And we would have to provide that evidence in order for the, um, uh, relevant planning authority to agree to any amendments to, to the document.

00:14:04:11 - 00:14:17:26

So I believe the protection is already within the draft DCO. But if there is some further clarification that's needed, then we would request that some, some amendments to the drafting could be provided. So we could consider the point. But we feel it's dealt with already.

00:14:19:15 - 00:14:38:12

Is that it's an interesting point, Mr. Shaikh. Thank you. Anyone else on that hedgerow point before we move on? Thank you all very much. Um, we're moving on to agenda item five, which is an opportunity for parties to comment on other aspects of the draft development consent order. Raise any matters that we haven't already covered today. Does anyone have anything?

00:14:41:15 - 00:15:03:22

In this case, it's definitely for Lincolnshire County Council. So yes we do. We haven't, I'm afraid, coordinated this with West Lindsey. So I'm apologize in advance if there's a we're jumping about in the DCO, would you prefer to try and take it article by article in, in a, in a numerical order. Or would you like, uh, Lincolnshire County Council to set out their issues and then sort of have it party by party.

00:15:04:01 - 00:15:10:09

Tightly in your hands? Well, I've really, um, no preference. I have the DCO in front of me and I can choose between various sections.

00:15:11:03 - 00:15:58:06

Well, I'll just go through our list. Um, so the first one on my list is, is article nine has the power to alter and layout streets. Um. So we've been in in discussions with, with this applicant and others about the mechanism for the Highways Authority to review the details as and when they are provided, the types of works that are envisaged, the streets for broadly into two camps. Um, as is common, it is a

common theme throughout the drafting of this under the DCO one in terms of the the streets that are specified in schedule five, and there's a mechanism appropriate to the review and approval of details for those that are specified in schedule five.

00:15:58:08 - 00:16:31:14

And that's one procedure. And then there's another procedure for the approval of things that are not in schedule five. So other stuff, um, and those procedures are currently different. The Highways Authority has um, has a concern about um section two seven, eight of the highways actually should be a procedure that isn't essentially circumvented or the level of detail and discussion as to the appropriateness of that detail. It is is an appropriate mechanism to to ensure that a substandard access, for example, doesn't can't happen.

00:16:31:29 - 00:16:48:16

We're happy in relation to the other stuff that we've, um, agreed, uh, an amended wording to article nine that allows for section two, seven eight procedure to, to apply to the other works that aren't specified in schedule five. So that's not a, not an issue anymore.

00:16:48:18 - 00:16:54:03

Is that wording in front of me in the most recent, or is that something that you've agreed between yourselves. And I think it's.

00:16:54:05 - 00:17:31:21

A paragraph four. So yeah. So so there is uh, I couldn't tell you whether this was an amendment that happened in the middle of this examination or whether, um, custom came to the examination with this wording, having learned it from other examinations, that the consent to be in a form reasonably required by the street authority is is the sort of caveat that we're happy enough where it allows us to request that that form that we are reasonably requiring is a section two, seven, eight agreement that that that's fine in relation to the approval mechanism for work specified in schedule five.

00:17:31:24 - 00:18:07:01

We have a residual concern about that because those details, although there's a list of streets and schedule five, um, it's very much a sort of outline parameter. It isn't a detailed mechanism. So there needs to be another mechanism for approval of the finer grained detail. And at the moment, that is essentially through the mechanism of discharge of a requirement. And that procedure. And our concern is that that is subject to the timescales set out for that and a deemed discharge provision.

00:18:07:15 - 00:18:44:00

We have a concern that in terms of highways and access, deemed discharge is probably not. Um, it's not it's not really appropriate given the severe consequences of having a substandard access there. If details are provided that the highways Authority can't review in time or can't negotiate to an acceptable standard within the ten weeks, what happens is, well, either we'd have to refuse it and go down that path or, um, what happens is the deemed discharge where the substandard access just happens.

00:18:44:02 - 00:18:59:14

And that's obviously has public safety implications. So we have a our concern is around the discharging mechanism for those details because of the potentially severe consequences of a substandard set of plans.

00:19:00:14 - 00:19:13:27

Um, yes. So the implication of what you're saying if I. So of course it will miss voltage. That's Android 278 comes with be able to go in, carry out the works itself, bring us up a standard and recharge the applicant. But under this mechanism it wouldn't.

00:19:14:19 - 00:19:15:17  
Yes, yes I think the project.

00:19:17:14 - 00:19:19:11  
Uh, Kent. Um.

00:19:21:15 - 00:19:57:10  
In terms of, um, the process for DCO. These are very standard provisions, and the intention is that the, the detail of the accesses will be included within the, um, final construction traffic management plan. Um, we um, have been discussing whether, uh, the plan could be updated to include references to the type of information that would need to be supplied with the final version of the plan, so that the level of detail that you would typically have as part of the design process for a section 278 agreement.

00:19:57:12 - 00:20:28:19  
So road safety audits and levels of drawings, etc., that those would be there would be a reference in the outline plan that the final plan would need to include that level of detail. Um, we consider that that's the appropriate mechanism for doing it. Um, as Miss Hall mentioned, if the um highway authority consider the information to be substandard or would result in safety concerns, then it would have to be able to refuse the applications, and those would be perfectly reasonable grounds for doing so.

00:20:28:21 - 00:21:12:02  
So we don't. The deemed consent provisions are intended to prevent, delay and allow, as with many section 278 recruitments. I've been involved with that rumble on for months and months and months. So the intention is to ensure that the programme is retained. But the ability to refuse, particularly for something like safety, is within the gift of the discharging authority. So we believe there are sufficient controls, but we will add, um, some additional wording to the outline tmp to just give that hook to ensure that the level of detail, to provide clarity on the level of detail that will need to be provided for the accesses that are covered, um, in schedule five when the final plan is provided.

00:21:12:17 - 00:21:13:02  
Okay.

00:21:14:04 - 00:21:15:13  
If I give you some comfort. My soul.

00:21:16:20 - 00:21:21:24  
Just have me holding it again. So we'll see what words we get and we'll review it. At that point, I think. Thank you.

00:21:22:11 - 00:21:32:21  
Thank you, Mr. Shaikh. Do you have anything on that point? Mr. Weston just got nothing on that point. So anything else? Anyone else? Miss your next point.

00:21:33:16 - 00:21:39:02  
Thank you sir. I think our next substantive point is on article 15.

00:21:42:06 - 00:22:22:24  
Which is a very similar point in terms of the two streams of detail, one that goes in the the schedule, one that, um, comes later. So traffic regulation measures dealt with in a very similar format to street Works in that you've got this list of works that are specified in schedule eight and you've got, um, a provision then for things that aren't anticipated at this level, um, but may come later. So the other stuff

is I referred to it earlier. Um, we are happy that in the late again in relation to the other stuff, um, the, the provision in article 15 as currently drafted is is sufficient.

00:22:22:26 - 00:23:00:03

It allows um for um, the Undertaker or requires the Undertaker to obtain our authority to do anything that isn't listed on the face of the DCO. The question again relates to the level of detail provided in relation and and oversight that we are able to have in relation to the work set out in schedule eight. So it's a very similar point to the to the street works point. Um, and we note that the article 15 as currently drafted only requires, uh, a notification provision in relation to the Streets Authority.

00:23:00:12 - 00:23:35:28

Um, so I think that's a paragraph five. We get four weeks written notice to the chief officer of police and to the traffic authority, which is, which is us. Um, and we are of the view that a mere notification procedure doesn't actually achieve very much. Um, certainly we would prefer to have a requirement for LCS consent at that point or approval rather than notification. Uh, so there are other examples of DCO that's, uh, that's allowed the Highway authority to have more control.

00:23:36:04 - 00:24:12:01

Um, we can provide those in writing, but but certainly the A12 widening DCO, um, gives the provision um, makes it subject to the consent of the traffic authority. Um, and then say as well that consent shouldn't be unreasonably withheld so that that provides the applicant with some measure of control, but appears to us to strike a balance, and I'm sure we can find some others. Uh, so if you're, um, if that would assist. But but the point is again, about, um, the degree of retained control for the county council as highway authority in relation to traffic regulation measures.

00:24:13:24 - 00:24:15:00

Thank you, Mr. Broderick.

00:24:16:26 - 00:24:52:24

Yeah. Just to be clear that the all of the traffic regulation methods specified in paragraph two are subject to consent of the, um, uh, Highway Authority. It is only those measures that are in 15, one that are just done on notification. And that only relates to, um, temporarily placing traffic signs and signals, um, on the, on the roads listed. So those are the typical I know signs for directing where construction traffic must follow a route, for example, those sorts of things.

00:24:53:04 - 00:25:26:05

Um, the applicant's view is that it's entirely appropriate for that, um, particular measure to only be subject to notification. But if there is specific requirements that the highway authority would like in relation to the nature and types of those signs and signals, then we'd be happy to put that in the outline. TMP if that wording could be provided. But to have to wait ten weeks to put up a sign that says construction traffic, please go this way, um, for example, or there's no time period in this, it's not subject to the discharge.

00:25:26:07 - 00:25:50:13

So, um, there isn't a time period at all in relation to this. Um, could cause serious delays to program. Um, so we would consider that the any controls that the highway authority would like over the nature and type of signs and signals to go in the TMP. And then that detail would need to be provided in the final TMP, rather than for every sign consent needed for every sign that put up.

00:25:51:01 - 00:25:55:02

Thank you, thank you. Um, the response is very similar to the one before.

00:25:55:18 - 00:26:33:19



I think it says Stephanie Holding County Council. It's it's about the key avoiding a cumulative effect really between I mean, I take the point about signs, although there is a potential for for clutter as oppose um and how they might conflict in substance with signs placed by other projects which are undergoing construction at a similar time. Um, but signals are potentially, um, have a greater impact if traffic lights are to be placed in a highway that needs to be coordinated, and we need to know what's what's happening and have some degree of control over how this project might fit with other projects and other roadworks going on at the same time.

00:26:38:07 - 00:26:40:09

So just a quick read.

00:26:54:22 - 00:26:55:07

The project.

00:26:56:12 - 00:27:28:02

They're clever. Yeah. So just to be clear, the purpose of this is to ensure that the power in the in the DCO is to ensure that an additional statutory consent is not required. As I've mentioned before, for this project, DCI projects, it's the discharge of the requirements that the place to ensure the level of detail and the management of the procedures to address the concerns that that have been raised by the higher authority contained. As I understand it, we haven't received requests for additional wording to be added to to the outline KTP.

00:27:28:12 - 00:28:02:28

Um, just sort of concerns raised. So I guess all we can say is if if Lincolnshire County Council's higher authority would like to see some particular wording in the outline KTP, then we'd be more than happy to consider that and include it. We're not, uh, there's no intention to try and put forward signs or signals that will be inappropriate. What we're seeking with this power is to ensure that we don't have to go off and obtain a variety of other statutory consents in order to implement the scheme, and that the it should all be dealt with in one document, and that document should be the KTP.

00:28:03:21 - 00:28:09:08

I think my point is, um, that they don't want it in the KTP. They want it in the development consent order.

00:28:11:14 - 00:28:16:28

Ambush attack. And then they have two different approvals for the same point, which we would consider as an appropriate.

00:28:17:06 - 00:28:26:08

Yes. You already approved it under the CTP. And then you have a second part of the cherry, so to speak, under the article 15. I think it's Miss Project Point.

00:28:28:09 - 00:28:36:27

I think Stephanie would take that with us away and potentially provide some drafting that we'd be, I think, would work to avoid double double counting.

00:28:37:16 - 00:28:43:22

Thank you. Let's check. Anyone else? Okay. Thank you very much.

00:28:45:27 - 00:28:50:29

Miss your next point. You can you can take a moment if you need to note something down.

00:28:58:13 - 00:29:39:17

Stephanie. Thank you. I think we're on to requirements now rather than articles because we discussed article 38, which was over the point on hedges. Um, in terms of requirements, we had a point on requirement nine, but we discussed that this morning. Um, the other we've got, um, two points I think left. One is requirement 12. Um, there's obviously a disagreement at the moment about the appropriateness of requirement 12, given the matters raised by the council's archaeologist earlier this week at the issue specific hearings on environmental matters that the council's archaeology team are just not satisfied in principle with the outline written scheme of investigation.

00:29:39:19 - 00:30:06:22

So there's there's a fundamental disagreement in substance about that. And therefore the draft requirement at the moment is to bear. And I think we have already provided some um, suggested other wording for for this. I apologize if I'm losing track between this and other of the TCA where we've provided a Verdier, uh, replacement for requirement 12, but I'm not sure we've got the applicants comments on that.

00:30:07:08 - 00:30:10:11

Have you provided them to the examination or have you provided them directly to the applicant?

00:30:10:13 - 00:30:12:08

I'm so sorry. I think I'm going to need to check.

00:30:14:00 - 00:30:40:16

The temperature of the applicants for the applicants position is that because there is not an alignment on the level of detail for the written scheme of investigation, that this should be a matter for the Secretary of State determined there would be no it would be a. An impediment to delivery. If the written scheme of investigation was subject to the consent of the the local um.

00:30:42:13 - 00:31:19:29

Authority because they will not they will not going to approve it because it doesn't contain what they would like it to contain. And so we would never be able to discharge this requirement. What we would suggest and what happens on other projects where there is a disagreement, um, is that we have submitted our written scheme of investigation. The local authority should submit their written scheme of investigation and the reasons why they consider whatever mitigation measures they think should be in place to be approved. And then the Secretary of State would decide, based on the information available, you would obviously recommend, which would be the more appropriate, um, written scheme of investigation to be included.

00:31:20:01 - 00:31:29:20

But our concern is that if we have an approval mechanism, um, it will not be approved because there is a fundamental disagreement in terms of the content of the document.

00:31:30:20 - 00:31:53:15

I think there are a few points I'd like to make here. I think the first point is that I appreciate your position, Miss Broderick, but, um, and I'm not going to speak for the Secretary of state, but I would imagine the Secretary State would prefer not to get involved in the detail of the WAC if he could perhaps avoid it. Um, I think there are two issues in terms of the council. One is that there is an issue of principle around the, um.

00:31:55:05 - 00:32:01:04

The trial function. So put it that way. And then there's a separate issue around the knee and I.

00:32:02:19 - 00:32:07:25

I'm slightly concerned that those two issues at times are being drawn together. And so.

00:32:10:09 - 00:32:50:19

Agreement on the WSI is being perhaps held up because of the principled issue that is being exposed by the express, by the Council, and what I would prefer to happen in this and not don't have to do what I'm suggesting. But what I'd prefer to happen is to park the principle, and Mr. Henley and I can come to a conclusion on that separately. And then you could agree fundamentally the wording of the WSI so that whichever way we go on the principle, the Secretary of State then has a WSI in place, that is. At least to a large extent agreed between the parties, because what the Secretary of State is not going to want to do is to get into the detail of a WSI as part of this decision making process.

00:32:50:21 - 00:33:25:29

It just elongates that process. And in other ways, I think I appreciate that there are other different ways of doing it, but in other details, those two issues have been separated, and then the Secretary of State can take a view on the principle and then separate. You can say, well, if I agree with the counsel that there is an issue with trial trenching, then, um, the WSI doesn't necessarily come into play. And if I agree with the applicant in terms of the trial trenching, then there's a WSI in place that deals with this issue effectively, and I think that would be the preferred approach that as an examining authority, we would like to see.

00:33:26:01 - 00:34:02:24

But I guess the applicant would be very much in support of Lancashire County Council engaging on effectively or without prejudice basis. And that's what's done in other DCS, where there is disagreement in principle with other entities. Natural England, for example, is a case in point for a number of projects. But they can Lincolnshire County Council can maintain its sort of in principle objection and then negotiate on the WSI on a without prejudice basis, and can make that clear in their submissions that their comments are without prejudice for the benefit of the Secretary of State, as I understand it.

00:34:03:00 - 00:34:16:25

Um, we haven't received comments on the WSI because of the effective in principle objection, but we would very much encourage those discussions to take place for the reasons that you've set out, and we would be willing to do so.

00:34:17:11 - 00:34:20:21

Thank you. Um, I think in terms of the WSI.

00:34:22:15 - 00:34:55:03

There are two options in many ways. One could be that you put the two separate courses in um, but. If if you were going down that route, I think, um, I would again strongly encourage you to, to have some discussions as part of this examination. And it would be preferable, even if there are differences on the side between you, that we could have one document with a markups showing or a separate document showing where the differences are. So if the Secretary of State doesn't need to get involved in the detail, it's just on the basis of the elements of the WSI that are in dispute as opposed to.

00:34:56:09 - 00:34:57:15

Choosing which one's best.

00:34:58:22 - 00:35:30:27

Careful, Stephanie. Yes. Yes, absolutely. I think we can definitely have a discussion on the basis that, contrary to our primary case, it is appropriate to include the requirement for a sort of further, um, archaeological works. And that would be our position, and we can propose wording for that requirement. And then the Secretary of State can obviously decide whether he's happy, um, he or she

is happy with the sort of shorter, uh, requirement proposed by the applicant or the potentially more detailed, uh, requirement that I've referred to.

00:35:30:29 - 00:36:07:17

So I've just managed to find the email trail about this that I've got from Lincolnshire County Council Archaeology, and we proposed it on the Mallard Pass, DCA, where we haven't proposed it to this particular, um, part of Pinsent Masons. Um, so we'll take that offline. I understand that there's a discussion that's going to be had, um, offline between Lancashire County Council and the applicant, uh, next week so we can bring it up then and we can hopefully make some progress on the substance as well as the mechanism. But I take the point that we can make some progress by, you know, flagging butts, parking, uh, in principle objection.

00:36:07:19 - 00:36:27:05

And proceeding to discuss things on the basis that, well, if the Secretary of State is happy to essentially condition it, um, the concept of condition further works and have those further trial trenching either not happen at all on the applicant's case or happen, but be but be subject to a requirement for further work. That's a middle ground.

00:36:27:07 - 00:36:29:02

So post consent is consent.

00:36:29:04 - 00:36:42:18

So so there are three options here. As far as um, we see it. The applicant, the secretary state, decides that the applicant is right and enough work has been done. And in which case, as I understand it, the WSI is as written is fine.

00:36:43:11 - 00:36:44:29

That's the council's position, but.

00:36:45:24 - 00:37:16:21

I'd have to double check on that. We'll have to go on that. Yeah, but but there may be. Yeah. And I take the point. We'll we can make some detailed. We can make some detailed comments on the basis that if that were the case, then what what our position would be on the as written. Then there's Lancashire County Council's Case B if you like, which is that a more detailed requirement could be imposed to, um, require that trenching take place post consent.

00:37:17:07 - 00:37:19:15

Uh and, and that we can discuss as well.

00:37:20:13 - 00:37:22:01

Yes. And so you said three options.

00:37:22:17 - 00:37:43:16

Yes. And then I've got I would say option would be, um, everything in favor of the applicant. Option B would be, um, you know, this middle ground of the trenching happens, but it's post content. And option C is obviously our primary case, which is that we just don't think you've got enough information to make a decision. Okay. But that's what we're parking, I think.

00:37:44:05 - 00:37:47:02

Thank you very much. This project, you want to come back on any of those points?

00:37:48:00 - 00:37:51:17

Thank you for the applicant. No, only that we'd welcome those discussions. Thank you.

00:37:51:19 - 00:37:56:08

Thank you. If we can be kept updated. Anyone else on 112?

00:37:59:06 - 00:38:02:10

Okay. Um. I think you said you had one more.

00:38:04:11 - 00:38:28:05

If you say sorry, I'm just 74 Lincolnshire County councillor. Just. Just editing my notes for what we've already talked about. Um, I think we've talked about requirements and the only remaining point is, is schedule 17 and paragraph five, which is about the mechanism for discharge, but specifically the fees. Um, it's a point we've raised continuously with all of these Co examinations.

00:38:28:12 - 00:38:30:06

Which, which um, it's.

00:38:30:22 - 00:38:31:24

Schedule 17.

00:38:31:26 - 00:38:33:13

55I guess I haven't seen.

00:38:35:03 - 00:39:13:11

Uh, so at the moment there's a read across. Uh, to the Town and Country Planning Act fees, regulations and obviously the the quantum of of um, fee has recently gone up but it's subject to, to, to change. Um, but what the applicant has done in terms of the particular reader crossing and the sighting of regulation 16 one be if you chase that through, it's a reference to the fee that would be appropriate under the Town and Country Planning Act system for approval of a condition on a on a full permission.

00:39:14:00 - 00:39:45:14

So so one has to imagine the amount of work that would be required of a of a planning authority discharging a condition on a full planning permission. And at the point that Lancashire County Council raised here and raised elsewhere, is that that isn't a true equivalence. And it's, um, particularly when one is talking about the detailed design and things, this is actually at least some of the requirement discharges are more akin to discharging reserved matter approvals on an outline planning permission.

00:39:45:16 - 00:40:15:24

If you're going to read something across to the tcpa world, it would be that, um, and actually for that, you know, the full application fee is due. So, um, I'm not saying that necessarily that needs to be the case here, but just that that the read across at the moment isn't it isn't a satisfactory one in our view. So it's significantly undervalues the time and officer expense that would be that we'd be put to in and West Lindsey would be put to in discharging requirements for a project of this scale.

00:40:18:02 - 00:40:20:06

And so, um, this project.

00:40:22:01 - 00:40:23:16

At this point, I think it's clear.

00:40:25:14 - 00:40:57:23

Claire Atkin. Um, all I would say, obviously, is that if there was some alternative drafting that Lincolnshire County Council would like us to consider, don't believe for this scheme that's been submitted. I appreciate it's confusing. Um, but if they would like to submit some drafting in relation to this scheme in relation to the payments that they consider to be appropriate, and noting that the same level of work is not required for all of the each of the requirements, they very much differ in terms of the amount of time depending on the topic that they're dealing with.

00:40:57:28 - 00:41:01:26

Um, so if they would like to provide some drafting for us to consider them, we would happily look at that.

00:41:02:07 - 00:41:16:26

I think the one point I'd just make them as a project is that I think you've mentioned previously that you're looking for alignment between the other examination skills and this one. If this issue has been discussed in previous ones, um, then presumably that could just be carried through.

00:41:18:03 - 00:41:29:03

And I believe there are a variety of approaches being taken on the other scheme, so there isn't currently alignment across all of them. But there is an old saying.

00:41:29:05 - 00:41:33:29

Council proposing different approaches depending on which development consent order as well.

00:41:35:03 - 00:41:48:02

Stephanie Katz I think it depends on how far we've got with negotiations, at what point we stop. But yeah, but yes, we will prepare some wording, um, and attempt to ensure some consistency of approach across different DCS.

00:41:49:03 - 00:41:50:00

It would seem um.

00:41:52:26 - 00:42:05:05

Quite resource intensive to have these negotiations each time over a similar point to the point that I make. Take them. Is anyone else on schedule 17?

00:42:07:10 - 00:42:09:15

West Lindsey District council? Yes, sir. Um,

00:42:11:02 - 00:42:48:09

the siege provision was one of the points we intended to raise anyway, so I'll do so at this stage. Um, firstly, just in relation to the level of fees, we agree and concur our position to same as Lancashire County Council position. So if we potentially work with Lancashire County Council and the applicant to discuss that. Um, the only other point of clarification in relation to the fees provision is the extent to which and how it applies, um, when requirements are being discharged in relation to particular parts of the site. So before you go on to that point, I think, I think I'm just going to make a general point in relation to the point Miss Hall raised.

00:42:48:22 - 00:43:22:10

Um, and that is that as we move through this process and there are I am conscious that there are other applications behind this project, it might be that rather than having this discussion in the examinations that are behind us to save everybody's resource and and time, that these issues are just carried through as a matter of course, because it seems to me that having this discussion at every examination where,

um, because they haven't. Said at this time. It's not included in this. So if you just include it in the start of these development, consent orders would save a lot of time for the examinations behind it.

00:43:22:12 - 00:43:29:13

And obviously I'm not involved in those examinations, but it's just a general point that I make to all parties, actually, that seems.

00:43:31:19 - 00:43:36:09

Time consuming to have these discussions multiple times when it's the same parties involved.

00:43:38:17 - 00:43:39:14

Okay. Sorry, sorry.

00:43:41:00 - 00:44:15:23

West Lindsey district council. Yes. Thank you sir. Um, so just a point of clarification in relation to the fees provision. Schedule 14.5. It's the it's how it's intended to apply and whether or not it needs to be reviewed in schedule 14 or several 17, 17, 17. Yes. It's the same fees, same fees provision. It's in in respect of some of the requirements or all of them when they are discharged in relation to particular parts of the site. We note that there may be lots of discharge applications or requirements.

00:44:15:25 - 00:44:42:16

So for instance, in relation to requirement five detailed design, there may be a number of requirement five, uh discharge applications. We just it's just a point of clarification to the extent to which the fees will, uh, relate to, for instance, at the same fees apply to every single one of those requirement five applications, or whether it's intended to cover all of those requirements files, applications.

00:44:44:08 - 00:44:52:24

I wear an application. So. Presumably for each application. Yes, it's one if there's one application for.

00:44:54:22 - 00:45:00:29

Things and it would be one fee. But if there are multiple applications, presumably there would be multiple fees. It's not how the applicant visited

00:45:02:14 - 00:45:02:29

the applicant.

00:45:03:01 - 00:45:37:06

Yes. So there is a the fee is payable per application. So if you've made lots of applications but it then we amended the wording at deadline to to make it clear that it is to apply for the discharge of each requirement. So if we made one application that dealt with three different requirements, we would still have we would have to pay the fee for each of the requirements that were contained within that single application. That was the the wording that was added to specifically to address that particular concern that we could lump it all in with one application, then only have to pay once, even though it was covered.

00:45:37:08 - 00:45:49:11

All the plans for all of the all of the requirements. That's not the intention. It would be each. Each requirement requires a fee, whether it's contained within one application or multiple.

00:45:50:09 - 00:46:01:19

Requirement, and each application. So if you have multiple applications for one requirement, each application has a fee. And if you have. One application for multiple requirements. Each requirement covers both sides. Yes.

00:46:01:21 - 00:46:07:25

So we have tried to address that point. But again, if there is some alternative drafting that they would like us to consider, then we'd be happy to do so.

00:46:08:04 - 00:46:38:09

Mr.. Interesting point at Westminster district. Yes, I think as it currently reads, it's in respect of each requirement. So if we're talking about subdivided requirements, and as I understand, the applicants are saying that each application, irrespective of whether it relates to the whole of the site, for instance, or a parcel of the site, and therefore discharges the whole of that requirement or part of that requirement and will incur the same fee. So I think we'll take that away and think about some drafting amendments. Thank you.

00:46:40:04 - 00:46:52:21

Are there any other points that you'd like to raise in respect of the draft consent order in the District Council? Yes, sir. Just two further points. The first is a general point in relation to schedule two requirements.

00:46:54:16 - 00:47:04:07

It's a point that we have raised before, and I think the applicant's position has also previously been expressed. It's a simple point about retention clauses or maintenance clauses.

00:47:08:00 - 00:47:48:29

Uh, we note that our suggestion that retention clauses are included in schedule two has not been implemented. I understand that the applicants position is because the relevant control documents will be, um, will have maintenance requirements, and therefore their implementation necessarily results in the maintenance of of particular things that are contained in those detailed plans. For clarity and precision, say we do still retain the position that some of these requirements ought to have retention clauses, in particular requirements which relate to biodiversity net gain.

00:47:49:01 - 00:48:16:25

That's requirement nine, requirement eight, which relates to the ecological protection and mitigation strategy and potentially requirements six battery safety management and 20 skilled supply chain and employment. Because it is particularly important that those plans are not just implemented, um, but also necessarily maintained or uh, or retained. And I understand the applicant's point. Mr. 68 has that.

00:48:19:14 - 00:48:20:07

But I'm sorry. It doesn't.

00:48:22:25 - 00:48:23:22

The maintenance point.

00:48:24:12 - 00:48:26:06

Implementation of the.

00:48:35:00 - 00:49:05:21

And so you approve it. As I understand it works. Yes. The applicant makes an application under to discharge the requirement that's approved by the local authority. And then there's a requirement for it to be implemented as approved. I'm sorry. What are you not. Yes. Somerset Western District has our position. Says that there should just be an addition of. Must be implemented and maintained as approved. It isn't a maintenance. And I think this project point is going to be in this in this project.

00:49:05:23 - 00:49:46:10



But I think we discussed it last time that the. The plant has maintenance in it. So if you were if you're implementing a plan as approved that has maintenance included in it, then that comes the point, isn't it? Yes, but but for Westlands District Council. Yes it does, sir, but but for clarity and precision sake, our position is in relation to, as you would see in conditions for tcpa schemes, that it would be sensible to have a retain maintain clause there too, just so that when somebody is viewing the draft echo, it's clear that those plans when when we talk about implementation.

00:49:47:04 - 00:49:51:22

Which is not a started actually need to be retained throughout the period of the DCA.

00:49:54:00 - 00:49:54:15

It would.

00:49:56:05 - 00:50:32:08

I project the applicant and the applicants position is it's just not necessary. And it's a principle of statutory instrument drafting, which this obviously is, is that you don't duplicate or contain unnecessary provisions, what the applicant has to do in order to maintain the mitigation measures that are set out in the plan is contained in the plan, and we have to comply with the plan. So we just consider the wording to be unnecessary. And it's not typically used um, in statutory instrument drafting, which this is, which is why it differs slightly to the drafting that you might find in a Town and country planning Act planning permission.

00:50:34:13 - 00:50:56:09

Mr.. Do you have any examples of other development consent orders that have similar wording to that proposed by yourself in the district? So I think it's a point that that has been maintained in other DCO examinations that currently being held. Um, we may have to just take that away and respond in writing to that point. Thank you. Anyone else from that particular point.

00:50:59:07 - 00:51:13:03

Mr. Sheikh, do you have any more? Oh, I think you said you had one more. West London District Council. Yes, sir. Just the final point, uh, relates to back to schedule 17. So the discharge. Of the requirements.

00:51:25:28 - 00:51:34:21

And it's a point about the relevant timescales that are set out following its amendment. Do we understand which which provision? Uh.

00:51:36:23 - 00:51:38:23

Sorry, something just skipped over 70.

00:51:49:14 - 00:51:54:04

It is part two. Subsection two.

00:51:55:21 - 00:52:30:02

Which relates to the determination period for all of the requirements. We know that that's now been amended from eight weeks as a determination period to ten weeks, but that the deemed discharge still remains at subsection four. And quite simply, was Lindsey's position on this, as has I think, already been set out, is that we object to the deemed discharge provision remaining in for the reasons we previously gave. What we haven't done so far, and this examination is set out, um, prescriptive.

00:52:30:08 - 00:53:00:16

What we think the determination period should be we have done in relation to gate burden opposition remains the same. So we'll follow it in writing. But I can set out now what our position is. In short, if

the deemed discharge provision remains, our position is that the determination period for all of the requirements except for requirement five, which is the detailed design requirement, should be 13 weeks and requirement five should be 16 weeks, because it's akin to a reserved matters application.

00:53:00:24 - 00:53:15:14

If the deemed discharge provision is removed, we're content that the ten weeks remains as the relevant determination period for all of the requirements except from requirement five, which we say should be 13 weeks.

00:53:17:00 - 00:53:23:23

Rescinding discharge requirement, but subsection four was removed. What would happen then if it wasn't determined in that period? Mr..

00:53:27:12 - 00:54:06:26

The purpose of it is to ensure that it is either so that it prevents any delay. Whereas if you just have a time limit in it and you've reached the time, there's a time limit and then there's no deemed discharge. Somerset West Lindsey District Council. Yes, sir. In that instance, the appeal mechanism, which is set out at part four, would bite and the appropriate avenue would be to appeal for non determination. Essentially not that there would there would be deemed discharge of that requirement in the absence of a decision being made, which based on the time and shear, would take you over the 16, 13 or 16 weeks that you suggested.

00:54:06:28 - 00:54:37:16

Yes, that would be even longer period than what you're suggesting. Yes. In short, we're suggesting that if the deemed discharge provision remains, then the period ought to be longer. If it's short, if the deemed discharge period is removed, then the period can be as it's currently sits at ten weeks, albeit with requirement five at 13 weeks. And if those requirements aren't discharged within that time, then the appeals process kicks in, which is under part four. Okay. Thank you. This project.

00:54:39:25 - 00:55:13:11

Full coverage of the applicant. As we've already set out, we consider that ten weeks is more than sufficient to determine an application. I would note that the deemed, um, consenting provisions does have, um, a form of restriction. Um, paragraph five of subparagraph five basically states that we must include a statement to confirm whether it's likely that that will give rise to any materially new or materially different effects compared to those in the environmental statement and where we have provided a confirmation that there would be materially new or materially different.

00:55:13:13 - 00:55:44:00

And since then the deemed provision is a deemed refusal, not a deemed consent. Um, and so we believe that there are sufficient protections, um, and that provides a proportionate balance between needing to ensure that this nationally significant infrastructure project can be built on time. Obviously, we've got a grid connection date that we're working towards, um, and, uh, balances it with the protections that are needed so that they wouldn't be a deemed consent for any application that involved materially new or different effects.

00:55:44:02 - 00:56:07:19

And as I mentioned earlier. If time is running out and they are unsatisfied with the level of detail provided in the application, they can request further information. And that would stop the clock. Or they could refuse it if they had serious concerns about what's been provided. So there are options. The deemed consent is really to safeguard against nothing being done by the local authority. Thank you.

00:56:08:14 - 00:56:11:02

Thank you, Mr. Broderick. Mr. Sheikh.

00:56:21:00 - 00:56:51:23

First it was then the district council. So we did have some representations previously on the further information time frames. And I think it's probably sensible that we consider those previous representations and like the applicant's response and respond in writing. Thank you. I think I'll just make a general point here that, um, we started at eight weeks, applicants moved to ten weeks. President is suggesting 13 weeks. If discussions can continue and you can just come to some sort of arrangement that's acceptable to both of you, that would be.

00:56:52:14 - 00:56:57:13

Preferable. If not, then Mr. Henley and I will take a view on this. And it may be that.

00:56:59:19 - 00:57:00:16

Someone isn't.

00:57:03:19 - 00:57:19:13

Content perhaps is the best way to say it, so it would be definitely preferable for you to just, um, find it to this particular point if it were possible, um, in terms of any other further further issues in terms of the draft development consent order.

00:57:22:15 - 00:57:23:00

Mr. Pryor.

00:57:25:00 - 00:57:29:19

Thank you, sir. Mark Pryor. 7000 acres. This is this is really.

00:57:29:21 - 00:58:00:18

Just a general request. Um, and it's a request that the applicant complies with advisement notice nine, section 1.4, which requires them to have consistency across the documentation. Today, we've discussed the dichotomy between the 60 years and various sections. Yes. We've discussed the differences between the s in terms of hedgerow and the draft DCO.

00:58:00:23 - 00:58:35:19

So there's a difference there. There are other other examples such as the glint and glare assessment. Um uses a mitigation of opaque fencing, which is discussed nowhere else and is certainly not assisting in the LDA. So really, it's just a request that we have the documents take a joined up approach. So if we read one section, that same fact applies throughout the whole application.

00:58:37:09 - 00:58:37:27

Just fine.

00:58:40:15 - 00:58:50:06

And clever project of the applicant. The point is noted, but I don't believe it's relevant. For the purposes of the drafting of the DCO. It's more of an environmental impact assessment approach.

00:58:50:16 - 00:59:13:13

Thank you. Thank you, miss Mark. I do have one other point that perhaps I should have raised earlier, but I'll just raise it now and maybe that I follow up in writing. And that's in relation to the question that we asked in terms of the generation station definition of generating station in the draft development consent order. That is one of the earlier articles.

00:59:15:10 - 00:59:16:17

3 or 4.

00:59:23:18 - 00:59:55:26

I take the point that the way these things work and the Planning Act is that it incorporates section two, three, three, um. Uh, section 64 one of the Electricity Act 1989. I just want to raise a general point, really. Um, and that's in relation to 64, one of the 1989 act. Generation generating station is defined as in relation to a generating station wholly or mainly driven by water. And that's not what this generating station is.

00:59:56:16 - 00:59:58:20

And so I do wonder whether we do need a specific.

01:00:00:16 - 01:00:02:18

Definition of generating station for the purposes of.

01:00:04:16 - 01:00:06:11

This particular consent order.

01:00:06:27 - 01:00:13:11

I'm not asking you to respond to that point now, but it might be something you may wish to look at, um, and provide a view on.

01:00:14:14 - 01:00:20:10

Temperature. Yes. We'll take that point away. Um, I don't have the electricity at 99 point.

01:00:22:22 - 01:00:25:25

Anyone else on that particular point or indeed any others.

01:00:28:02 - 01:01:03:28

Just a quick update for you on the MMO and the marine license point earlier. So, um, it is as, as I said earlier, the last the last submission, the MMO this is for the MMO said that they wouldn't be providing uh, without prejudice draft uh, comments on the marine license. But then, uh, out of the blue last week, they did request a word doc version of the deep marine license. One hopes to do something with it. Uh, so my colleague who's advising on the Gate Burton scheme has followed up with the MMO case officer today, uh, to mention that it's come up in this hearing as well.

01:01:04:00 - 01:01:28:12

And could they confirm whether they're going to be providing the drafting? Um, watch this space, I guess. Uh, we'll see where that takes us. Thank you. Thank you very much, Mr. Phillips. Um, as I said, I'd probably get all 17 out at some point. Um, we'll deal with it in our second set of questions. And get some clarity on that from the email. Is there anything else that anyone wishes to raise within the scope of the hearing?

01:01:34:04 - 01:01:35:24

Okay. In that case, sorry.

01:01:35:26 - 01:01:37:09

Sorry. So quick question.

01:01:37:21 - 01:01:38:06

Um.

01:01:39:06 - 01:01:46:20

Just assuming that we'd have any other business. Uh, I was waiting for you to close out that, um, point and move on. Yes.

01:01:47:12 - 01:01:49:03

We're on item six. Any other matters?

01:01:49:05 - 01:01:49:20

Okay.

01:01:51:24 - 01:01:57:02

Yes, it's to go ahead. Allan little stone blind, part driving center. Um,

01:01:58:20 - 01:02:34:06

this has been an illuminating week for me. Obviously, much of it goes above my head. Uh, we're a small, relatively small business at the end of the proposed development that is heavily affected. And, um, I just wanted to make one request point, and, um, before I do. So I'll just quantify that. In as much as um. This may sound like an casting aspersions or questioning the integrity of the applicants and their representatives, and it is definitely not the case.

01:02:34:13 - 01:03:16:12

Um, so hopefully, taken in context, on two occasions this week, the applicant's representatives have given off the records assurances with regard to our continued operation of our business. A solution will be found. They'll have no impact, physical or financial, on our current long established business that's taking place. And we welcome those comments. Oh, I'd like to ask whether that the applicant can put that on record at this hearing that, uh, they can confirm that they are looking at our best interests and, uh, further conversations and further solutions to our problem will be found.

01:03:16:16 - 01:03:36:23

Given that it's a very small percentage of the area involved, um, for the applicants. And I understand it's a very, very large and complex project, and we're a very small part of that. But it is 100% of our business that is affected. Thank you.

01:03:37:10 - 01:03:38:06

Thank you, Mr. Wilson.

01:03:39:05 - 01:04:09:18

This project I project for the applicant. Um, obviously, I said actually in the compulsory acquisition hearing yesterday that that the applicant was working, um, to, um, design a solution and the intention was for the to, um, the scheme and the ongoing operation of the driving centre to coexist. Um, the way the process works is that a written summary of what I said, actually in the hearing yesterday will be produced and submitted at, um, deadline three.

01:04:09:20 - 01:04:18:01

So there will be that record of what I actually said in writing as part of this, as part of the process. So just to confirm that, that that's how it works.

01:04:19:24 - 01:04:24:28

And that will be reiterated now in this hearing as well, both on the recording and in the written summary.

01:04:26:19 - 01:04:27:15

Is there anything else?

01:04:29:12 - 01:04:30:06

No. Okay.

01:04:30:08 - 01:04:42:26

Well, thank you all very much. And that brings us to the end of the agenda. I'll remind you once again, if you can provide written submissions that you've committed to and all those who have contributed today to make written submission. Oh, I'm sorry, Miss Project, as I'm coming to the end.

01:04:43:04 - 01:05:16:24

Just before you close, I wanted to just give you an update on the change application because I said earlier, yes, we did indeed, yes, that we were going to do that. Um, my understanding is that it's in the currently in the process of being uploaded, the various documents onto the uh, pins, um, system. Um, so by the end of today, it should be, um, helpfully uploaded, and therefore you will be able from Monday to, um, consider the application. So we have, uh, got it in advance of the, the latest possible day. So hopefully those two additional days to consider it will be of assistance to you.

01:05:16:28 - 01:05:47:21

Thank you. Thank you very much. Um, as I was saying, if you could all please provide written summaries of your responses by deadline three, which is the 19th of December. Transcript. And, uh, recording of the hearing will be available on the Planning Inspectorate website as soon as practicable after the hearing. Um. I think we've covered everything that we need to cover now. And so I'd just like to thank you all very much, particularly those of you who've been present all week, which is the vast majority of you. It's been a long week. We've had a lot of, um, various discussions.

01:05:47:23 - 01:06:02:27

So thank you all very much, Mr. Henley. And I do appreciate your time. And, um, I just like to wish you all a very Merry Christmas and a safe journey home, wherever you're going. So thank you all very much. And it's now 1:05. And this development consent order hearing is closed. Thank you.