

TRANSCRIPT_ISH5_SESSION2_13122023

00:07

Thank you, it's a quarter past three. So I'm going to resume this issue specific hearing five, and move to bullet point two of item four on our agenda. And that's review of the applicants response to action point two, arising from Mission specific hearing to looking at the relationship of the baseline construction shedule and the critical path analysis, critical path analysis and associated implications for the draft DCO. This is find and its deadline five submission, construction share tools with critical path, and that's rep five zero to seven. At the previous DCO issued specific hearing, the applicant was asked to do three things. Firstly, submit a note setting out the baseline construction schedule with the critical path analysis shown. Secondly, consider its relationship to the baseline scenario and Scenario one shown on table 2.1. Of document rep. 3045 that was justification for construction working ours and requirement three stages of authorised development of the draft DCO which is now wrapped 5005. And lastly, explain how different milestone dates for scenarios one and two have been interpreted in table 2.1. So I'm going to hand it over to my colleague, Mr. rowland's who has some questions to ask on foot of that construction schedules and critical path. Rep. 5027. Thank you, Mr. Jones.

02:04

Thank you, sir. Mr. Cusi.

02:08

Sorry, Rebecca clutton for the applicant, apologies for interrupting. I just want at this stage because we're going to be dealing with technical matters to make sure that I've got Mr. Andy Wilson joining us by teams and I just want to make sure he's here to hear your questions before you ask them.

02:25

Can I afternoon? Yep. And he was

02:28

on tape. Thank you, Mr. Watson. Apologies.

02:36

Okay. I would like to first of all to understand how Appendix A, which shows baseline construction share deal with critical path. And that's right five to 27 outlines with the environmental statements. So can we first start with Appendix A and the work breakdown structure or underground cabling, which consists of sites establishments, cable and signals commissioning and reinstatement for sites establishments, can the applicant please clarify the scope of works and how it aligns with illustration 2.1 which is the baseline construction shedule, which was shown, then he asks appendix 4.2 construction shedule up zero 91. So if I can hand over to the applicant, please.

03:43

Rebecca Clutton for the applicant at this point, I'm going to hand over to Mr. Wilson, please.

03:51

Andrew Wilson, the applicant? Sight establishment would include the compound setups, Rodas temporary access roads, establishment Bell mounts, those sort of things. I can't I can't actually recall exactly what was shown in the the environmental statement appendix. But then those sort of activities will be included in the site establishment. Excuse

04:17

me, perhaps? Yeah, perhaps I can maybe just try and help along that, right. So that particular baseline which is a zero a two on the general setup includes stuff such as vegetation clearance. So the enabling works at various sites across the model, and it's so if we can just double check for the site establishments on Appendix A, does it include the vegetation clearance?

04:51

It would include a large number of activities. I would have to check, but I imagined it would include the vegetation includes Yes. Okay.

05:01

So on similarly, I think includes enabling works across various sites across the whole whole delegates. So I'm just trying to make sure that there is alignment between the critical path that you're demonstrating on Appendix A, and what's been assessed and the baseline construction schedule in the environmental statements. So if we can maybe have a look at the cable and civils style Valley elements, again, in Appendix A, if it's possible, that particular section at the Star Valley, it's from, say, the general arrangement plans, I think it starts from sheet 19, which shows the proposed 400 KV or headline, which comes from an easterly direction, and then connects to the style Valley East ceiling and cable compound. And then the cable line then goes into ground and then connects to the Star Valley, West ceiling and compound at Alphamed. Stone, and that sort of sheets 28 How then the line goes overhead in a southerly direction. So what would be good is if you could maybe just confirm that particular length of the ground cabling between the both our Valley ceiling and compound.

06:41

Andrew, awesome for the applicant. My apologies. I can't recall the exact length that that summary bar for Gaben civils will include all the the open cut, installation and the trenchless crossings. Okay.

07:02

I've got further questions, which may be puts the type of questions I'm asking into context. So that if you think about that particular length of cabling underground, possibly something in the region of six kilometres approx. I'm trying to understand from that, what is circuits one, and circuits two? That was mentioned in your app three, hole 45. So I'm trying to get a better understanding of the works between this healing and compound. What what what is circuits one, circuit two, between those two sections, I see I have a hand up. So to start this

07:53

Rebecca Clutton for the applicant. So thank you for that. And again, sorry for interrupting. I'm conscious that these questions are very detailed. And obviously, I'm happy for Mr. Wilson to try and assist you to the extent that he can. But I do wonder if they might be questions that given that they do require some interrogation of the documents that might be better dealt with in writing, or that we ought really to put your notice that we may need to deal with is in writing.

08:29

Sure, anything you feel is more appropriate in writing is acceptable. But obviously, in order to get an understanding of the critical path, these are the type of questions that we need to ask. And I take your point about the flexibility that you need in your critical path as well. So yeah, if in addition to the length of cabling between both ceiling and compound, Cinestyle Valley, if you could clarify. What Works is circuit one and circuit two. That was mentioned in table 2.1 justification for construction, working hours, wrapped three hole falsified so that we can understand the context of the work required in the US to record

09:22

Latin for the applicant. I'm actually going to hand you over to Mr. Jones on this matter, who I think will be able to give you an overview of the works and the position that's been reached

09:34

as Robert Jones for the applicant. So from table seating and stair Valley East, going through to the west the works wheeling include fencing off of the sways of nega 100 metre wide sude to work in and we will have necessary ground clearance within sways and this soil will be kept in the topsoil and sub sort of separately to the sides, along with any pre construction drainage that we need to put in, in those elements. Then in the centre of this wave, we will instruct the whole road. It's envisaged that once the whole road is starting to be progressed, there will be a team of people who will start to create trenches that are required for circuit one for putting the ducks in when they've progressed. Or a week, perhaps two weeks depending on the progress, then a second team is invidious to start on doing the same work for circuit two. So you've progressed through the sections of cable between the joint bays, laying the ducks in the ground for both circuits in the same overall time period. When you've completed that first section, you can then backfill over the top of the ducks. And you're then left with a rough reinstatement over there because topsoil will not be put back at that time, and the whole road in the middle and then the team's progress to the next section. When we get down to the road that runs from Sudbury through to Bures. Just before we get there, we will start with our HDDs which will go under the road under the river and is planning to come out in the river and the railway line in the HDD will be between 18 and 21 bores 18 big balls because we're three cables for phase three smaller balls per fibre optic cables. We then have to turn the HDD equipment round to go onto the railway. And we HDD under the railway on a short section of HDD so that we minimise the amount of time and disruption to network rail's infrastructure. Once that's completed, we then complete our HD DS across the stack valley to come up the other side of Henney road. At that point, we then revert back to open trenching putting the ducks in the ground as we did in the first section, and that progresses up through countryside up windmill hill across my lane to the next HDD, which is in the alphamed stone area. And then we do repeat our HDD underneath the ancient woodland preserve the trees, where we then come out of the HDD next to the existing 400 KV overhead line that runs south from twins to T going down to Braintree area, the Ducks

come out of the ground near towered number three. And at that point, we then go into the Open Cup. Lay your ducks in all the way round to the Star Valley West Copan ceiling and compact. Once the ducks are all in between the different joint base and the number of joint base will be specified by the electrical design of the cable system, depending on such values that we get from the thermal resistivity of the soil and the loadings that we need to put through those cables. Once that's done, then we can then call off the 400 KV cable drums to the different locations. So there are one set of drums which will go to start Valley East. And then there is a second set of drums that will go to start Valley West and we're anticipating somewhere in the region of 40 drums of 400 KV cable to go there. That then allows us to pull the cables through the existing ducts that we've already put in and then to carry out jointing at the joint base as required. The reason we're progressing to do it that way as opposed to an open cut and lay the cable straight into the trenches is that it gives us a great flexibility of programme. It means that we haven't got kilometres of open trenches full of very expensive cable which could be stolen or damaged. And it gives us the ability to build both circuits at the same time.

15:09

Okay, thank you. Mr. Jones, thank you for that overview. Maybe if I can kindly interrupt and possibly asked just for clarification in terms of circuit one or circuit two is circuit one to the north of the whole road, cutting across and circuits to to the south, or the whole road. If you're not able to answer that maybe you can return response

15:42

options for the applicant? Circuit one could be the southern one circuit two should be the northern right. Okay, great. Great.

15:52

So the way that

15:54

we have numbered the circuits, pay grades.

16:03

Okay, and then in the context of the cables on civils work for South Valley. there a reason why that starts in March 2025. kind of start early, earlier than that.

16:28

Robert Jones for the applicant, it was programmed to start in March 25, because we were not expecting to get the Secretary of State's approval. Should he agree with that project till late September, early October 24. We've then got to allow for the worst of the winter weather and civil works, we chose a time where we thought the weather would start to improve. And it gave us the ability to still meet at programme airing, okay.

17:06

On that particular thread, so I just need to highlight that your baseline construction shedule in the US it's actually showing works can then see in q3 2024. That's the bit that I started the discussion on. So

that would cover vegetation clearance, and so forth and setting up the site. So, yeah, don't fully understand that. Right. If you're doing works in q2, q3 and q4 2024. Why there's a lag between you starts the civils work on the cabling,

17:50

Robert Jones for the applicant. The other works that we start in q3 24, after the Secretary of State's approval is the removal of the existing 132 KV overhead line. There are several of the pylons that actually sit on the roof of the stair Valley and in the AONB section. So without them being removed first, we can't progress the civil works through. What we don't want to do is to have a programme where we are mobilising to several places at once, we want to be able to move through the section. So we need to take the 132 pylons out of the way. We need to be able to have all those overhead line team away from the area and the cable contractor who will then mobilise and work through the intersection. And there is an interaction between those two activities.

18:57

On the particular dismantling of the line are the ones three, two KV. Appendix A shows that commencing q1 2025 for three and a half months. But if you look at what's been assessed in the Yes, which is illustration, 2.1 baseline infrastructure sheduled it shows it being a staggered approach. So what I mean by that that 132 KV overhead line removal starts in q4 2024 and goes over to q1 2025. But then there's a break until q1 and q2 2027. So it appears from the information we have in Appendix AIG. It's different to what's in the illustration 2.1 of the baseline

19:57

Robert Jones for the applicant so you New segments a break from 2025 to 2027. If

20:04

you look at the illustration 2.2 2.1 For baseline construction sheduled, which has been included, then the so that's up 09 to one. So there might be some sort of inconsistency right of what's in in the as to the recent submission that I find that we've received.

20:31

Rebecca comes out good. So if I can just if we can just pause for a second so that Mr. Jones has the opportunity to bring this up on his screen so that we can see it because it's gotten a little bit far away from us, I'm afraid on our screen in here, so we're just trying to follow that apologies.

21:55

Rebecca clap for the applicant, thank you for that. So apologies. Just looking at these, the short point is that we are satisfied that they are based on the same programme. But in order to avoid giving you incorrect information. I think this is a point where we'd just like to take it away, and make sure that we've absolutely nailed down any differences between them so that we can explain them to you, but they are based on the same programme. There's a slight difference in presentation, which I think is probably where there may be some confusions arising, but we can clarify that for you. In writing, that's okay, sir. Yeah,

22:33

if you can do that, by When could you do that? Because we appreciated that we could maybe address some apparent anomalies.

22:49

Rebecca clutton for the African I think we can come back on that at deadlines. Seven, I think deadline sets might be a bit too. The other matters that need to be dealt with. Okay, Greg,

23:01

if I can maybe progress on that. What you've submitted in deadline five, showing the critical path. The cable or symbols works duration for the stove alley, seems to be from March 2025 to November 2026. So it's something like 21 months, and the Gantt charts gives the impression that work would continue throughout Christmas, and Easter. Can I just check with you if this is correct?

23:41

Clap for the app. Can I just pass over to Mr. James?

23:47

Hello, Robert Jones from the applicant. We wouldn't be working over Christmas. Easter sometimes we do work over Easter, but Christmas time is a two week shutdown. And and that's just not been reflected in the way the programme has been put forward.

24:09

I'm sorry, I, for some reason, I didn't quite hear what you said that. Mr. Jones, it might be my link here. But could it be so kind as to repeat what you said?

24:19

So Robert Jones for the applicant, there would be a two week shutdown over the Christmas period. Sometimes we will work over the Easter period because that lines up with our outages for the season starting. Definitely Christmas time, everybody shuts down for two weeks. It's just the way it's been reflected in the bar chart. I would think you see a summary task there.

24:48

Okay, thank you. Thank you for clarifying that. So I'm going to pass over the work breakdown structure for commissioning for now. If I can go into the reinstatement of Sally, could you clarify the scope of work here, as well. And I recognise that you might need to take this away and deal with it is deadline, Sam, but I'm interested to see how it aligns with the baseline construction should ideal, which has been considered in the

25:30

Rebecca flatten for the applicant, sir. Yes, I think that is something that we're going to need to take away again. Okay.

25:43

Can I now move on to table 2.1, which is the core working hours used in the schedules. This is again in the construction schedules with critical path, a rep five, zero 27. So that particular table shows for a baseline scenario, a 12 hour shift. However, it gives the impression that there would be no breaks. So, is this correct?

26:21

Rebecca clutton for the applicant, sir. No, there would be breaks. Mr. James, do you want to add anything on that?

26:28

Robert Jones for the applicant, there will be the standard tea breaks or lunch breaks? briefing sessions. It's just shown as the as the plan that the contractors use is 12 hour day, that's the standard day.

26:47

Okay, so Okay, so the construction worker analogy. So the construction working hours on that table, obviously, is that doesn't reflect the break time. So break time, if you think about visit, lunch time, and morning, and afternoon. So that would maybe be bought, what about an hour and a half. So the total number of hours in a week would be not 240 hours as indicated in that table, the construction working hours total would begin something in the region of 210. So that gives a about something like a 12 and a half percent reduction in productivity, which means there's less flexibility in the programme that you're putting forward. So I just want to understand that

27:48

Rebecca clutton for the applicant insert to an extent Yes, that's correct. I mean, obviously, national grid has to comply with working standards, the contractors have to comply with comply with working standards. And it is in itself a responsible employer, and it's in owes it contracts with our responsible employers. And so that that has to be factored in. So yes, to the extent that we have to allow people to have breaks, then there is there is a an element of those core working hours, which is not productive time, in that sense.

28:26

So following on from that particular thread, can I just check with you? What effect the reduced the number of hours would have on meeting how to reach for milestone

28:43

Rebecca clutton for the applicants so it doesn't have any impact because that that is already baked into the assessment that's been undertaken. That's lunch breaks, tea breaks, etc, are accounted for in the programme in that sense.

28:59

Okay, thank you for clarifying that. So, I interpret from your response to the programme that's included in Appendix A, showing the critical path, particularly work breakdown structures, doesn't really have a full working week of 240 hours for the programme actually is embedded with something in the region of 210 hours also, because it reflects breaks and so forth. Is that correct?

29:38

Rebecca clutton for the applicant, yes, you can analyse it in that way. Thank you.

29:50

But scenario one in on that particular table, it shows

30:03

ATN to 1pm. Saturday working would be five hours. But the table actually shows four hours by just trying to understand why the table shows four hours rather than the working period expressed by the local authorities on Saturday.

30:30

Rebecca, for the applicant, so that's, I see the point that you're making there. We'll take that away and double check that.

30:37

Okay, great. Thank you very much. If I can maybe ask a question out to the local authorities. So this has to do with the applicant responds to action point guy at issue specific hearing one, that was frappe. One Oh, 34. And it's related to the positions of phrases of words, such as severe weather conditions, delayed these particular operations that could take place outside the court working hours. So in the DCO is the latest DCO. Its requirements, satin three, honest, obviously been replicated in the camp. So yeah, if I could ask maybe start off with Suffolk County Council. Maybe Foley all of that paperwork and it's Suffolk district council got position on severe weather conditions on delayed.

31:45

Thank you. So Michael Bedford, Suffolk County Council, I think we would accept the principle that there needs to be some reflection of as it were, non normal weather events that might disrupt the best laid plans of anybody. But there is a question as to how you define that whether one needs to be more precise as to what one would categorise as such an event? I say I think it's, it's it's capable of being clarified, I suspect, without reference to Michael fish. There are ways of describing an event that everybody would agree would be a severe weather event that would be capable of having adverse effects separately, so could I just say we do have one or two questions along the lines of some of the points you've been asking about. And obviously it's an appropriate time we would like to just flag those up. Thank you.

32:56

So you appear to be on mute so far as I'm concerned. I don't know if that's true for everybody else.

33:01

Guess Thank you, Mr. Bedford. If I could check with Miss Curtis.

33:10

Thank you, Ron Curtis for baby District Council. Midsummer at District Council. Yep. agree with Mr. Bedouins comments there. We've made some comments under deadline five and previous submissions about overruns and unexpected conditions being notified. Thank you.

33:24

Thank you. If I could ask us a committee counsel.

33:33

Katherine Hibbert, Essex County Council and Braintree District Council. Nothing further to add over and above as comments just made by my council colleagues, thank you

33:47

for the Braintree desert. So the context of definitions of severe weather conditions and delay.

34:03

Stories there were 40 metres me to speak. Yes, yes. Any observations to make about the definitions of such terms?

34:12

Matthew wild branch District Council, no. Catherine Hebert is acting on behalf of Braintree rose Essex. So you just said basically under my fingers, essentially that we have no further comment. Thank you.

34:27

Okay, if I can ask the applicant to come in on maybe comments on whether these types of definitions should really be defined.

34:42

Rebecca, Rebecca glutton for the applicant. So in short, we don't consider that would be appropriate. This is a statutory instrument. The construction of it will be given the normal approach to any construction of any legislator One which will be that the words have their ordinary and natural meaning. And I think any attempt to define those terms more closely, would be inappropriate and would risk unduly restricting the scope of those terms in when that's not necessary.

35:24

Thank you for your observations. Although I'm not a lawyer, is it possible for me just to try and understand that a little bit more in terms of natural meaning, or I think in your response to a suspension about a purposive interpretation, that's looking at the statute and the intention by creating the statute, a lot words, Parliament, and by that in the statue, so if you take in the context of the weather conditions, how does that apply to

36:02

Rebecca Clinton for the applicant? Well, ordinary natural meaning simply means that generally parliament is presumed to have given words the meaning that ordinary people would expect them to have. So it's rather the elephant testing. If you if it's grey and large and has got a trunk, you know, it's

an elephant. And equally, if there's a deluge, and things cars start floating down the road, you know that there's been a severe weather event, for example. So it's effectively that legislation is intended to be common sense. It's intended to be readily understood by the public at large. So when terms like that are used, they are given their ordinary and natural meaning just means the commonplace meaning unless the context in which they're used suggests that they should have some different meaning. And that's where things like purposive interpretations can come in. But generally, words will be taken to mean what they say, which is why it's not appropriate to define them closely.

37:10

Okay, I'm just reflecting on my experience working in industry, there's a tendency to define severe weather conditions and delay in the contract. So is it likely that such matters would be embedded into the contract? Or would it just be a natural meaning at some point, you've just given us an overview?

37:39

Rebecca clutton for the applicant, that would be a matter for the contracting parties at the time. But say generally, the approach to legislation is is a slightly broader one. Okay,

37:57

I will give an opportunity to the council's but I just got one other further points I need to raise with the applicant. So if we're looking into our crystal ball, and we take the closure of this particular examination in March, then we have subsequent time spans or report writing consideration. So if everything runs us according to plan, the Secretary of State's decision on this particular application would be around the second week of September 2024. The funding statements in paragraph four point 1.3 And that up zero 37 refers to funding required to meet the estimated input an aid station cost which will be made available however, this release of funding will be subject to the appropriate internal governance and sanction approval process. And all major investments carried out by companies with a National Grid group will require the approval of the board of National Grid PLC or other designated committee or board with the appropriate level of delegated authority. So can you please clarify if this process is applicable to this proposed development? So if I could ask the applicant please comments

39:44

Rebecca ball the applicant so I'm afraid I don't have the right person in the room to explain to you the internal processes for that. That's a matter that we could take away to deal with in writing or alternatively It may be that we pause that particular question until say, after the next short break, I can have the right person brought into the room so that we can deal with it today, if you would find that to be of more assistance,

40:11

maybe if I can follow along with the particular point I'm trying to make, which will hopefully help you in your response, and then you can decide what works best for yourself. So that Appendix A, and also your baseline construction schedule. In the US, the show works commencing in q3 of 2024. However, if the Secretary of State's decision comes in q3 2020, for your funding statement, documents, highlights, governance period. So that governance period, we don't know how long it could take. But that could mean that there is a lag before you can start working on the proposed developments on site. And

similarly, it doesn't appear. If you take notes of Jr. Period, elapsing would have an impact on your baseline construction shadow.

41:29

Rebecca clutton for the applicants. So that is a helpful indication because we can deal with that point, what happens is that there is effectively a pre approval process that will be carried out before the decision is actually taken by the Secretary of State. Knowing when that decision is likely to arise, that decision will be subject to the successful making of the DCO. And that means that we are then able to go on day one, once the once the once the judicial review period has elapsed, there may be activities, of course that we can undertake in that period. And indeed, we would be entitled to do anything we liked in that period that but it would be at risk. But that is that is how that would work. So so there would be no lag in between the decision being taken, and works being able to commence in terms of the funding release, because the decision would have been made in advance but subject to the making of the DCO.

42:28

The context of the JR period, what would be the applicants approach.

42:37

Rebecca clutton for the applicant. So there are a number of activities that can be undertaken in Jr period that we can be making progress on things like discharge of requirements under the order, there may be some a lot smaller scale works that we will be prepared to undertake on risk. And indeed, if any works were required to be undertaken on risk in order to maintain programme then that would be open to us to do that. So we wouldn't see that as a as a matter that would give rise to any lag, which obviously, that risk of judicial review arises on all these projects and National Grid is where we're used to having to deal with that as part of its construction timetabling.

43:22

Thank you for your exploration. Again, just trying to see how realistic is the schedule that you're putting forward and whether you've taken into account different scenarios? If you haven't, what effect that would have on you beating your milestone I'll teach for this particular points then. And the other elements that we've discussed, I would think it's appropriate now if I can, unless the applicant needs to come back alive just said to us the local authorities. So if I can ask first. Mr. Bedford on behalf of the Suffolk County Council, and then I'll come back to the applicants once we've heard from the local authorities. Thank you.

44:13

Thank you, sir. So just first of all, very briefly, on the part of the response that you heard about whether in Article Three in requirements seven, in what is now three, because of the addition of the proposed two, there should be greater attempts to define some of the terms used. And I'm afraid what you were given was a sense of stock answer about why you don't need to define things because it's all as it were common sense. But with respect to learn for Ms. clutton, of course. Ecco has itself been carefully structured to define several terms, which the authors of the document considered, would assist in the working of the document. One doesn't need to go to the articles one starts with sheduled. Three itself,

which deals with requirements, and want notes that the very first paragraph of sheduled. Three is the interpretation paragraph. And then there are particular terms, which obviously the drafters thought it was helpful to define. And we think, given absolutely the issue of exceptions to the standard working hours, that is an area which is very much beneficial to the parties. And that will be the applicant, the host authorities who would have to enforce the requirements, and also local communities who are affected by the requirements for there to be greater definition. We know to gain the example that Mrs. Clinton gave, well, if the cars are floating down the road because of heavy rain, you sort of know that there's been a severe weather event. Well, maybe. But we're unlikely to be only concerned with such extremes. It's obviously as I think your questions posed, there's going to be a gradation of activities and gradations of events. And we would equally endorse the point that you identified that it's not uncommon in contractual documentation, particularly where it's a question of who's responsible for a delay for the parties to set out definitions of what sort of things do amount to severe weather events, which might justify delay. So that's an overarching point. And we would say urge the applicant to give some careful consideration to more precision to the carve outs. But then, turning to the issues on Appendix, a, obviously, we have to take a certain amount of this on trust, because we are not micromanaging the project, we have to take, say certain things that add face value. But it would be certainly helpful. If it could be verified, where at the moment, we think that there seems to be something of either an inconsistency, or at least matters not being clearly explained. If I can take you back to rep 3045, which was the justification for the construction, working hours. And you'll remember that in that document, at its table 2.1. It's a different presentation of the information. But the baseline scenario was set out that's on page six if anybody's trying to find the document. And so far as the commissioning works, are concerned the commissioning works, two circuits one and two, which had to be completed before outage for was identified for the baseline as as of March 2027, which was a day before outage or start on the fixed date of ninth of March 2027. So in that scenario, it was being suggested effectively, that that was the as it were the end date that things run to in appendix A of that five, zero to seven. So that's the Gantt chart that we've now got in front of us. And so obviously you asked a series of questions about other parts of the work programme, but as far as commissioning, is concerned, as I read the chart and I'm happy to be corrected if I've misread the chart, but as I read the chart in the Stour Valley commissioning, the commissioning activity takes place between what looks like the last week of November of 2026 through to what looks like the third week of January 2027. And they And in for the dead unveil a period actually the commissioning takes place earlier than that, because that is from mid October 2026 to the end of November 2026 As I read it, but taking the store value one as being the one that is closest in time to outage for, it still appears to leave over a month, that's to say the last week of January, the whole of February, and the first week of March, before you get to the point. So it looks as if first of all there is scope for the commissioning works to be undertaken at a later stage and is identified in the chart without coming up against the restriction of outage for. And then secondly, it looks as if and this was the point I think from one of your questions that the applicant is going to come back on that in relation to scenario one, which was the council I the Suffolk County Council scenario, there was an undercounting of the amount of work that could be done on the Saturdays, because that's the difference between the four hours and the five hours that are available. And so we maintain our views that there is more flex in this programme than has been provided. Obviously, we will look forward to hearing any written explanation that the applicant provides. But if it's possible to provide an answer this afternoon as to whether we've misread how those commissioning periods work and say we think that they work on the basis that there is more leeway before you get to the point. And that doesn't seem to

be consistent with what was being said in the earlier document on the construction hours. There's I think those are the as it were the detail points on the Gantt chart and the timelines. And I think you've already heard our wider points about matters and whether or not there can be a more flexible approach. Thank you, sir.

52:26

Thank you very much, Mr. Bedford. And then if I could ask a six county council and then we'll go to the applicant.

52:36

Hi there, Catherine Hibbert for Essex County Council and Braintree District Council echoing the comments made by Mr. Bedford for Suffolk County Council. And as to whether there's been any undercounting of hours, I suppose. It would be good for clarity on that, because that feeds directly into whether the construction hours being proposed are necessary, if they're, you know, beyond what's normal. So we'll be interested to follow that. And I'm sure Matthew worlds for brain tree will pop in if I haven't captured what he wants to say as well. Thank you.

53:24

Thank you. And I'll just check if Mr. Wilde or discourteous have got anything to say, if not, we'll move on to the applicants. The applicants, can you please respond to what you've just heard?

53:46

Yes, sir. Thanks, Rebecca Clinton for the applicant. Thank you very much. There are three broad topics that I need to address. I'm going to go back to the earlier part of the conversation, sir, where you were trying, first of all, where you were trying to understand the robustness of the timetable. And I'm gonna address that first, then I'll come on to my learned friends points about commissioning dates and the timetable. And then I'll just touch finally on the points about definitions and whether it'd be appropriate to find anything any further. Just going back to your first point, then, sir, about the robustness of this and whether we can whether it's a realistic time saving table. I think I'd just emphasise at the outset that national net National Grid is an extremely experienced developer of projects of this kind it this is its bread and butter. This is what it does every day. The timetables that have been prepared. The construction schedules that have been prepared by us at this stage are developed by experts and feel based on the knowledge of projects carried out over the course of many years, including of course very recent projects of similar scale like Hinkley Point C connection. So national grid as the expert delivery, as the expert deliverer of the transmission network is satisfied that it is experienced and appreciate that you do need to test that. But I think that is an important point to make. The second point is that we have already demonstrated our commitment to this project and progressing it through the fact that we are already on the ground with the GSB. And I think that's another point that needs to be borne in mind, we are already we already have this project underway. But notwithstanding that we don't yet know the outcome of the DCR application itself. And then thirdly, I think we need to add into the mix the really important national picture, which is of this critical national need urgent national need for the delivery of this project, and many others that are going to be following on from it in this region, and more generally, So factoring all those matters in together. And National Grid simply has to get on with this project in the timescales that it's set, because that is what is required to meet the targets that are being set by it by

go for it by government. And it's confident that it can do so moving them to Millennium friends points in relation to the construct that the Gantt chart in particular in the Indicative construction shedule. First of all, we don't accept the proposition that at the at the highest level that there is flexing here that we are not giving them the benefit of all that things aren't working in quite the way that we've said that they are. And it's really important to bear in mind that what we've presented as part of as the critical path, and the construction schedules, as part of the document that we've supplied, is an indicative construction timeframe. It is a very simplified version of what is otherwise an extremely detailed and very extensive construction shedule. So obviously, in simplification, some of the nuances may be lost. And that's again, something that needs to be borne in mind in relation to providing a detailed response. Obviously, the points are different from May were quite detailed. And I think what we think will be appropriate would be for Suffolk County Council to put their concerns or queries about that particular chart into their deadlines, six responses, and then we will provide a detailed response to that deadline seven. So I don't think we'll I don't think it'd be appropriate or sensible for us to get into the detail of that today. And finally, then, on the points about definitions, point was made to you that I had given a stock answer, I noticed there was no suggestion that the answer that I was given I was given was incorrect in law or otherwise wrong. And it was said, Well, yes, definitions are included in the document. And indeed they are, definitions are included, where it is thought sensible or proposed appropriate to do so where it's strictly necessary to do so. There are obviously many, many terms within the DCO as drafted that are not subject to definition because they don't need to be. Now if I can just ask you certain to have a look at requirement seven, and the construction hours. The the the entry that we're looking at is June. And it reads as you're aware, the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities. Now, it seems to me that if you were going to define severe weather conditions in there, then why would you not also be defining disrupted or interrupted? Why would you not be defining normal construction activities, all of those are terms that are capable of meaning slightly different things like to different people, but we can't possibly be defining every expression within the DCO and nor is it necessary, people reasonably acting reasonably applying their common sense to these will be able to determine what severe weather conditions were, they will be able to understand what was meant by disrupted or interrupted and they would also in the context of this project, and that's where the context becomes important, be able to understand what normal construction activities involve. So, we say that if you start defining some terms, the risk is that you end ended up having to define an awful lot more. And that's neither necessary nor appropriate. Part of the point that I learned from May as well was that the there are a gradations of weather events and that I given an extreme example, which of course I had, and that there may be other less extreme examples where there was a question mark about whether it was a severe weather events or not. With respect, so that's exactly the sort of thing that can't be captured by drafting. If you were to include a definition of civic with via weather event, at most, it would, in my view, would have to be an inclusive list. So it would say, severe weather events include matters include, but are not limited matters, such as, you know, flooding, I mean, or whatever it might be by not being the weather, but you get what I mean. And you would have got that inclusive thing. And those those events that were maybe on the fringes that there was some doubt about whether they were severe weather events or not. They are ones that would not be caught by the definition and will be led to arguments anyway. So in that sense, I don't think it really moves matters on very much further. The final thing that I want to say about this point is that referred by yourself absolutely, rightly, to the fact that contracts do sometimes define these things more closely. My learned friend mentioned that in his response to see if Suffolk County Council are aware of any

precedents in the DCO context, where terms like this have been defined, then, of course, we'd be happy to consider them and take them into account as to whether they were appropriate for inclusion within a DCO. But in my submission, statutory drafting and contracts with drafting are two different things.

1:01:56

Thank you. So final thought, I can just maybe summarise the particular challenge that we have as an examining authority. So it's been stressed on numerous times the importance of having the ability to meet our Teach For if you look at the evidence that we have to date, it shows that our predecessors meetings how to chart is the re in statements as shown on the Gantt shedule. on Appendix A, the earliest reinstatement can start is on the completion of cables and circles. Now the cable and civils line work breakdown structures like level one know level two or three is very high level and the earliest the cable and signals activity can start is in May. So I'm still not quite clear why that can't start earlier. And if it could, that then by nature of starting earlier would mean that everything else moves to the left. And if everything else moves to the left or Grandpa, what impact that then would have on scenario one as an example, for the different construction hours. So I'll leave that for the time being. I look forward to submissions to give further clarification and to give certainty of how robust the critical path is to demonstrate needs to meet a particular outage days. Thank you. I'll now hand. Okay, thank you. I'll now hand over to Miss goosey. Thank you.

1:03:54

Mr. Middleton. Thank you. I'm going to deal with the third bullet point on the remainder of the fourth bullet point on agenda item four. I'll assess them. I'm mindful that it's it's it's getting late in the day. I'll assess then, how we progress how many more agenda items we try and fit in. But if you bear with me for the remainder of this agenda item I returned to that consideration. So bullet point three clarification of whatever requirement seven construction R's of the draft DCO would apply to the pre commencement operations defined in Article Two One and consideration of whether any associated amendment is needed. Just to put that beyond any reasonable doubt. So I'd like to hear from the applicant on those points, please.

1:04:57

Yes, Rebecca clapping for the applicant. Thank you, Madam In short, yes requirements seven does apply to all of the pre commencement operations. And therefore in our view, there is no associated amendment that is required to the drop DCO. The explanation behind that is that requirements seven refers to work, operations and activities, and so they are any work operational activities comprised in the authorised development. The concepts of commencement and pre commencement operations serve an entirely different purpose they deal with when something has commenced within the time period set by requirement to do so, when the DCO itself is or when those words are commenced. And pre commencement operations, as you're aware, operate as a carve out from commencement, so that we're able to do certain activities without actually commencing the DCO. However, notwithstanding that they are carved out from commencement, pre commencement operations, nonetheless comprise operations that are part of the authorised development as a whole. And therefore those pre commencement operations constitute work operations or activities that are within the scope of requirements seven who did not consider there to be any doubt about that.

1:06:27

Thank you, Miss Clark. Is there any observation that any of the local authorities won't make? Or was it just me that wasn't particularly clear on that point?

1:06:39

Mr. Bradford

1:06:40

Mellon, Michael Bedford for Suffolk County Council, we agree with the applicant that requirements seven was intended and should capture pre commencement activity. We think because as is always the case, it's not just it's not the people who are sitting here in this DCO hearing, who are of one mind who were the people implementing the DCO, we think there would be a benefit in actually making that explicit in requirements seven, and one could do that in a number of different ways. But for example, the word work brackets, including pre commencement operations, close brackets would be a perfectly acceptable way of doing it, in our view.

1:07:36

Thank you, Mr. Bedford. It wasn't just self deprecation that led me to ask that I was thinking about people in the area and possibly then enforcement repercussions for for the local authorities. And that was my quest for absolute clarity, as you correctly say, not just for those of us who are doing a fairly forensic examination of the provision. So thank you for that. Is there any of the other local authorities that want to contribute? Ill does the oh, how long has tempered

1:08:18

Hi. Hello, Catherine Hibbert, Essex, county council and Braintree District Council. Just to confirm we echo what's been said welcome to have that clarification from the applicant, but it would aid clarity for those interpreting the order in due course if there was an amendment. Thank you. Thank you.

1:08:44

Thank you, does the African will to respond to those points.

1:08:50

Rebecca clutton for the applicant and others who say we don't think it's necessary, but we can take the point away and and consider I don't think it's a it's not a huge point. Either way, we'll take that away and see whether we can do something about it. If it's thought that would be helpful.

1:09:11

I'm obliged to separate Thank you. And I leave out that with you. And then I wanted to look at was a point that had come out of paper and mid Suffolk district consoles deadline five submission that Miss purchase has mentioned a couple of times, that was rep 5030. And it was evidence that was set out under the samp bullet point. So the council's position on requirements seven construction hours is clear. I don't propose to revisit that. But I do want to clarify two points with Miss Curtis. In paragraph three where You refer to sheduled. overwhelms and out of ours working is that the operations and

requirements seven, three of the draft DCO. That's rep 5005 that you're referring to? That was my first point. And then my second, if the examining authority was to endorse article 46, as written of the draft DCO last defence to proceedings in respect of statutory nuisance, what implications would that have for the application of the other legislative provisions that you cite in that particular area of your evidence? So I'd like to hear from you on those two points, please.

1:10:56

Thank you, bronchitis for baby district out the mid Suffolk District Council. I'm afraid I'm gonna have to take those away if that's okay, Please, ma'am, because I'm not supported by our environmental health officers this afternoon. So if it's okay to give you that deadline six, next week, please.

1:11:13

By all means, discouraging stuff. That's understandable. I'd rather get a full response rather than cobbling something together today. So thank you. Definitely be coupled if I was rather pejorative, but thank you. Thank you.

1:11:33

Okay.

1:11:43

Agenda Item five, it's going to take quite a while. I'm, I'm minded to pick the rest of my agenda items. Five, I have very little anything to ask on six after the various submissions, seven, eight, and nine, will all sit fairly well, within the second written questions. The reason that I had put Agenda Item three, as sorry, agenda item four, as the first substantive one, because I felt that was the most important thing to get out of today's hearing. So with that in mind, unless there's any burning opinion, to the contrary, I'm going to go on to any other business. I don't see anybody particularly exercised by that proposed course of action. Okay, thank you. I'll move on to Agenda Item, Tam. Bear with me. There's a single point that I wanted to clarify with Suffolk County Council that arises from its post hearing submission for the third issue specific hearing and to transport rights of way on that was its rep for zero to one. And it was on the issue of the national straight gases here. You noticed that in schedules 5678 and 12 of the draft DCO. That's rep 5005 that they had been updated. Following your flagging of the issue in your local impact report rep. 3004, where you express doubts about whether the correct street names had been included within those provisions. However, you did odd that you've not yet checked to revise sheduled on I just wanted an indication of when this is likely to be done, and verification or otherwise submitted into the examination. So if you can hear from Mr. Bedford on that place.

1:14:11

Thank you, Madam, I suspect you're not going to hear much from me because I'm going to pass that specific issue to Mr. Steve marry the inset highways manager because I think he was the originator of the concern. And I'm sure he'll be in the best place to give you an up to date position. Thank you, madam.

1:14:31

Thank you. Let's do Mary. Good

1:14:33

afternoon, ma'am. St. Mary's Suffolk County Council. We haven't had time to check it. We've been busy with other things. So apologies for that. But what I would suggest is we did in and I'm trying to remember what appendix ETS but in our local impact report, we did provide a spreadsheet with a list of the accesses in Suffolk and that was corrected to the correct national Gadgeteer references for the streets. So that information is already there. But if you wish we can check the information. I would say we wouldn't be able to do it for the next deadline, it would have to be for deadline eight.

1:15:11

It would be very helpful. Mr. Marissa thought could be done just so that we have verification because there's there's a mountain of evidence at our end as well. So you're helping not mater would would be appreciated. That's very kind. Thank you very much. Those the examining authority want to raise any other matters at this stage? I've had no other monitors notified to me under this agenda item that parties wish to raise at this meeting. Are there anyone? Are there any items that anyone wishes to put on the table after what they've heard today?

1:16:00

Thinking about Madam, can I just raise it simply a point for your collective consideration, because it's not a point that we, I think are in a position to put a definitive position to you. But I am just conscious. Obviously, we've got the SU specific hearing tomorrow to deal with specific transport matters. But then the programme doesn't have any allowance for further issues, specific hearings to deal with any outstanding that as Now obviously, we start from the premise and understand it's a primarily written process. And hearings really only should be shedule, where they serve a purpose that help you on matters that need the parties, oral comments, but I'm just slightly conscious from today, that there were quite a lot of loose ends, which understandable reasons have been dealt with. And I'm just as it were floating the question as to whether there is even on a contingency basis, a benefit in identifying a window for any further issues, specific hearings, if thought, obviously, by the examining authority to be required? Because, obviously, in a logistical sense, it's extremely difficult. Even if one says, well, it would be a remote session. So accommodation, doesn't have to be thought about, obviously, people's diaries and people's work commitments do have to be thought about. And as they he just seemed to me that that's a matter if I could just sort of put it in your mind and think about, you're aware of, obviously, in the sense of how much the parties are still apart on quite a number of issues. And there are, obviously further deadlines and further exchanges and material coming to you. But it's not as if this examination is in its early stages. Now, as we're moving towards the end of this year. Obviously, things are the worse things are as they are. So I just wanted to mention that I say it's not that we've got to, as it were a definitive position that there must be a hearing on X or hearing on why it was more than if there were to be any, it may be helpful to EMR when that might conceivably be bearing in mind all the difficulties that I say dates have with parties and their attendance.

1:18:37

Spread. Frederick, thank you. Certainly take that away, I will just respond to immediately when I was putting the agenda together. And knowing that the the dare I say the gulf that is between the applicant and the local authorities over requirements seven, I felt that was really the focus of what I wanted to do

get out of today. I am not denigrating the other points, or ranking them in any order of importance. But I very carefully considered I put those later on in the agenda because I felt they could easily translate into two questions and E X twos only a week away. I know we have the request, I think at the preliminary meeting about an issue specific hearing after the DCO commentary was issued and we dealt with that point then. So I'll make a note of what what what you say but I will your I'm sure I understand if I just don't engage with it. At this point in time.

1:19:52

There absolutely I was I wasn't intending to do anything other than instead put a pebble into the pond and leave it for you to see See whether you think that the ripples require anything done or not, but I wasn't asking or expecting a response. Now I just wanted to sort of put it into your mind or put it back into your mind as it were.

1:20:10

Mr. Belfort. Thank you. Before I hand over to sorry, thank you, is there anything that the applicant wants to come back on there?

1:20:25

Rebecca clutton for the applicant. And I think from our perspective, we think that the issues that require ventilation hearing have probably been ventilated now, but obviously, ultimately, that's a matter for you and your colleague inspectors to decide what's useful for you. So say more about it.

1:20:47

Thank you. Miss Clinton is useful to have your input. Is there any of the other local authorities wants to make a submission on that point before I wrap up this agenda item? No, okay. Thank you. Just before I hand over to Mr. Mann today with today's action points, I wish you Season's Greetings. And under Happy New Year to everyone. So I'll hand over to Mr. Mom, thank you.

1:21:28

And Kim's to call soon. Just to add to the final point we were listening to there, we will, the examining authority will go away and we will have some thought about Mr. Bedford's pebble in the pond. But we would of course, encourage you to continue that process in terms of the loose ends. Outside examination, particularly seen as a statement of common ground process, which should be helpful with some of those, at least. In terms of action points, agenda item 11. The majority of what I've got is for the applicant, and there's clearly one at the end for paper and mid server councils on the two points from rep five oh, 30 lecture, I'm sure we can can be dealt with by the next deadline. Some of the action points got quite complicated there during this to Roland session. So I think it probably be better we have to take those away and publish them as soon as we can. misquoting you've got sufficient notes to get on to start doing that process and then check. As soon as our player is going to be a delay of a day or two before our our notes will be published. Do you have enough of your own action point notes to be getting on with what you need to get on with?

1:22:43

Becca klutzy applicant. So yes, we do we make plentiful notes around this table, and we'll be able to start our work on those. Thank you.

1:22:53

They're probably more sensible than mine looking at them. But we will do that between us. And we will publish those which will give you a check against what we're expecting you to come back with. So there's less than anything else on action points. So we'll go to item 12, which is just the close of the hearing. If there's no other items, which are relevant, Can I remind you that the examination timetable requires parties to provide post hearing documents on or before deadline six, which is the 20th of December this year. And I also remind you that the recording of the hearing will be placed on the inspectorate website as soon as practicable after we close. And can I thank all of today's participants for their time and assistance this afternoon and we will consider your responses carefully. And they will inform the examining authorities first second written questions and the decision as to whether further hearings will be necessary, as has been floated. The time is now can be up to 514 We'll see some of you tomorrow. But this issue specific hearing is now closed