

**Richborough Connection Project
Draft Development Consent Order (DCO)
Third Issue Specific Hearing
(Supplementary Agenda)**

Wednesday 9 November 2016 (continuing on Thursday 10 November if required)

Canterbury Cathedral Lodge, Clagett Auditorium, The Precincts,
Canterbury, Kent, CT1 2EH

9.30am for 10.00am start

Purpose of hearing

To focus on the changes to the draft DCO since Deadline 4, including discussion of the Examining Authority's (ExA's) schedule of proposed changes published on 2 November 2016.

Please note: A revised version of the draft DCO has been submitted for Deadline 6 (26 October 2016) [REP6-003]. It is the tracked change version of this October draft DCO that we will work from at the hearing.

Invited attendees:

All Interested Parties are invited to attend the hearing. The following parties are invited to attend because the ExA considers that the material they have submitted raises issues that the ExA may wish to explore at the hearing:

National Grid, the Applicant
Canterbury City Council
Dover District Council
Kent County Council
Thanet District Council
National Farmers' Union
South East Water

Agenda

- 1. Welcome, introductions, arrangements for the hearing**
- 2. Statements of Common Ground**

To establish any changes to the last stated positions of Interested Parties (IPs) and the extent of those differences of opinion and whether additional work, mitigation, or changes to the DCO are proposed or required (Statement of Commonality, Applicant's Doc 8.4(C) [REP5-006]).

Updated Statements of Common Ground (SoCGs) at Deadline 6 provided with Natural England (NE); Joint Councils; Marine Management Organisation (MMO) and Woodland Trust. Revised Statement of Commonality (Applicant's Doc 8.4 (D) [REP6-015])

Whether an updated SoCG with the Kent Wildlife Trust is likely to be submitted.

- 3. Draft DCO**

All parties are requested to refer to the ExA's schedule of proposed amendments published on 2 November 2016.

Article 16

The Applicant's position on Kent County Council's suggested DCO amendments in its response to Q2.11.3 [REP4-026].

Article 21

An explanation of the means by which the identified compensation elements are secured under the draft DCO (Applicant's Doc 8.48, Section 2, Action No. 22 [REP6-009]).

Article 22

Whether the draft DCO relies solely on this article to prevent the use of CA powers on Crown escheat land (Applicant's Doc 8.48, Section 2, Action No. 27 [REP6-009]).

Article 32

The current positions of the Applicant and South East Water (SEW) on the draft Schedule 14 provisions for the protection of SEW in relation to the SEW Broad Oak reservoir proposal (Applicant's Doc 8.48, Section 2, Appendix B [REP6-009] and SEW Deadline 6 Document No. 1 [REP6-037]).

The Applicant's position on the protective provisions submitted by Network Rail at Deadline 6 [REP6-034].

Article 47

The extent of reinstatement provisions required to be included in any application for Land Drainage Consent and the limit of works requiring Land Drainage Consent (Applicant's Doc 8.48, Section 2, Appendix D [REP6-009]).

An explanation of the physical work required to pass a conductor over a watercourse (Applicant's Doc 8.48, Section 2, Appendix D [REP6-009]).

Schedule 2 - Plans and Drawings

Whether the Schedule accurately reflects the latest plans and drawings for example:

Part 3

Design Drawings PDD-21497-2-OHL-0058 should be Revision C; PDD-21497-2-OHL-0051 consists of 2 no. drwgs., the first should be Revision A and the second Revision C; PDD-21497-2-OHL-0421 should be Revision C.

Part 7

Traffic Regulation Plans - the heading should read 'Traffic Regulation Order Plans' to be consistent with the titles of the drawings referenced.

Part 8

Trees or Hedges to be Removed or Managed Plans - the heading should read 'Trees or Hedgerows to be Removed or Managed Plans' to be consistent with the titles of the drawings referenced.

Schedule 3 - Requirements

Requirement 1

The definition of 'stage'.

Further consideration of R1(3) and its relationship to R5.

Requirement 4

An explanation of 'stage of the authorised development' and how this relates to 'part of the authorised development'.

Clarification of 'relevant event'.

Consideration of notification 'before' commencement.

Consideration of whether reference should be made to the 132kv line as per R9.

Requirement 5

Further consideration of the use of tail pieces and the need for later approval by the relevant planning authority.

Further consideration of the relationship between this requirement and R1(3).

Requirement 6

The Applicant's position on Kent County Council's suggested DCO amendments in its response to Q2.11.3 [REP4-026].

Requirement 7

To understand the implications of the use of the word 'alternative' in R7(2).

To understand the intentions of the revised Requirement, particularly in relation to R7(5) and to seek a definition of 'start up and close down' activities.

Requirement 8

Clarification as to when early landscape planting might take place and addition of monitoring and management in relation to the five year maintenance plan.

Whether Kent County Council is content with the changes made by the Applicant.

Requirement 9

To understand in more detail where 'stage' and 'part' of the authorised development overlap.

Requirement 10

An addition relating to submission of information for Westbere Compound for Tree and Hedgerow Protection Strategy.

Requirement 11

Reference to the 'National Grid's Protocol on Bird Diverters'.

Requirement 14

The Applicant's position on Kent County Council's suggested DCO amendments in its response to Q2.11.3 [REP4-026].

Tailpieces

Additional Requirements as set out in Annex A

Ancient Woodland

To respond to points in the SoCG between the Applicant and the Woodland Trust [REP6-014].

Works near Pylons PC26 and PC27

To respond to concerns from Nethergong Camping in relation to construction activities in the vicinity of the campsite.

Use of highways near schools

To respond to concerns over road safety in relation to Chislet Church of England Primary School and Spires Academy.

Explanatory Memorandum

Whether or not to include the explanatory note prepared for Schedule 14 Protective Provisions [REP4-013] within the Applicant's final iteration of the Explanatory Memorandum which will accompany the Applicant's last draft DCO.

4. Draft DCO and proposed Broad Oak reservoir proposal

The need for changes to the draft DCO following submission of proposed Broad Oak reservoir matters at Deadline 6, 26 October 2016.

Pylon PC10 Movement

An update on the Applicant/ SEW agreed note on PC10 options (Applicant's Doc 8.48, Section 2, Appendix A [REP6-009]).

5. Consents, licences and other agreements

Including updates to be provided in respect of the following:

- S106 agreement

Detailed contents and implications for the Examination and the ExA's recommendation report of not providing an agreed and signed Section 106 agreement by Deadline 7.

- Landscape and Habitat Enhancement Scheme (LHES)

To understand from the Applicant whether it is considering any additional mitigation or enhancement planting. If so how this will change the LHES, or the Embedded Environmental Measures Schedule or the Conceptual Mitigation Planting Plans.

- Embedded Environmental Mitigation Measures
- UKPN agreements
- South East Water agreement
- Any other Agreements

6. Construction Environmental Management Plan (CEMP) and 'daughter' documents

Whether the updates to the periods over which the CEMP [REP6-021, para 2.2.1] and Biodiversity Mitigation Strategy (BMS) [REP6-020, paras 1.1.1 and 1.4.5] extend are compatible.

Whether the 'Plan of plans' provides an accurate reflection of the different timescales over which each plan / strategy or scheme is operational and the approval process for each one [REP6-006].

Whether in Table A, Amendments to September 2016 Version of the CEMP, the references to Table 3C.1.1, Paras 4.4.16 to 4.4.22 and Para 4.4.17 are accurate.

Whether additional wording in the Construction Traffic Management Plan (CTMP), Table 3G.3.1 - Common issues and constraints, is required to facilitate action by the highway authority in the event of congestion caused by construction traffic or if an additional Requirement is needed.

Whether the amended Noise and Vibration Management Plan (NVMP) accords with the agreements set out in the SoCG with the Local Authorities.

7. Arrangements for the remainder of the Examination

Remaining deadlines and unresolved matters.

8. Any other matters

Goose Farm and Robin Hood Events

Further information in relation to 'careful construction programming' referred to in APP-030 para 15.9.4 et seq and the current status of negotiations with Robin Hood Events [REP6-031].

Spot Height Plans

An explanation of the plans and sections agreed between the Applicant and SEW which are to be tabled at the Hearing (Applicant's Doc 8.48, Section 2, Appendix A [REP6-009]).

An explanation of the error identified on previously submitted maximum tree height tables (Applicant's Doc 8.50, para 4.5.3 [REP6-016])

ES Chapter 13 Addendum

Whether there is any response from the Environment Agency in relation to the ES Addendum (Applicant's Doc 5.2.2 [REP6-018]).

Whether the ES Addendum has led to any CEMP or Embedded Environmental Measures changes.

ES Chapter 16 Addendum and the No Significant Effects Report

Whether there is any response from Natural England in relation to the ES Chapter 16 Addendum (Applicant's Doc 5.2.2 [REP6-018]).

Whether the ES Chapter 16 Addendum has led to any changes to the conclusions of the No Significant Effects Report (NSER) [APP-119 and APP-120 and REP5-005], ie that there would be no likely significant effects (LSE) either alone or in combination with other plans or projects on the eleven European sites screened into the assessment.

An explanation for the reasons for the inclusion of the bird species referred to in the RIES para 2.18 of the matrix for the Swale SPA [REP1-003, matrix 10].

Whether the Councils or Kent Wildlife Trust (KWT) consider there is any change to their previous agreement on the NSER as confirmed [REP2-024, id 4.23.3 and REP2-082].

Updated Embedded Environmental Measures Schedule and NSER

Whether the updated Embedded Environmental Measures Schedule (Applicant's Doc 5.4.3B(B) [REP6-019]) has led to any changes to the conclusions of the NSER ie that there would be no likely significant effects (LSE) either alone or in combination on the eleven European sites screened into the assessment.

Whether the Councils or the KWT consider there is any change to the agreed positions as set out in paragraphs 3.23 and 3.24 of the RIES regarding mitigation.