



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Agenda

Triton Knoll Electrical System

Issue Specific Hearing – the Development Consent Order

Date	22 January 2016
Time	Registration 10.45 Start: 11am.
Location	The Storehouse Conference Centre, North Parade, Skegness

Agenda

Please note:

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The Examining Authority (ExA) may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them.

The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by the lead member of the Panel, supported by other Panel members.

Any lack of discussion of a particular issue at this Hearing does not preclude further examination of this issue.

Should the consideration of the issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing there may be a need to continue the session for longer on the day or continue the hearing at a subsequent sitting. The ExA will be using *Revised draft Development Consent Order and Deemed Marine Licence – Comparison of Revision D and Revision E. Appendix 16 of Submission for Deadline 4 [REP4-043] and Draft Development Consent Order Schedule of Amendments Explanatory Document. Appendix 19 of Submission for Deadline 4 [REP4-046]* published on 6 January 2016.

The ExA will be using the *Explanatory Memorandum [APP-011]* submitted as part of the application and published on 21 May 2015.

The ExA will be using the version of the *Order Limits Plans* [APP-122] and the Works Plans [APP-123] accepted into the Examination on 9 September 2015.

The ExA will be using the version of the Works Plans [APP-123] accepted into the Examination on 9 September 2015 as modified by *Appendix A of Bicker Fen Extension and Reconfiguration Note - Environmental Statement Addendum Relating to Works at Bicker Fen* [APP-137] and by *Works Plan extract –Sheet 31 showing access to Sibsey Lancaster Memorial. Appendix 41 of Submission for Deadline 4* [REP4-071] published on 6 January 2016.

References in square brackets [] are to the number in the Examination Library. This is found on the Triton Knoll ES pages of the National Infrastructure pages of the Planning Portal at <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020019/0.%20Project%20Management/Examination%20Library.pdf>

1. **Introductions**
2. **Opening remarks by the Examining Authority**
3. **Requests to question a person making oral representations directly under s94 of the Planning Act 2008**

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

4. **Update on Statements of Common Ground**

The discussion will focus on *Statements of Common Ground Summary and Index: Appendix 33 of Submission for Deadline 4* [REP4-063] submitted by the Applicant and published on 6 January 2016

5. **Discussion on particular parts of the draft Development Consent Order (DCO) including:**

- a) **Consideration of the changes made** to the draft DCO in the version submitted for Deadline 4.

The Applicant will be invited to outline the effects of and reasons for significant changes made between Revision D and Revision E of the draft DCO excepting those changes specifically referred to in questions below. The Applicant need not refer to minor drafting changes.

- b) **Numbering in the draft DCO**

The ExA **note** the Applicant's Response to question DCO 2.2 and the assurance it contains.

- c) **Change Requests**

The ExA **note** the responses to question DCO 2.3 and the Applicant's Response to question DCO 2.4 and the references it contains.

ARTICLES

- d) **Article 2** - Interpretation, definition of "Commence"
To discuss the exclusion of certain activities from the definition of commence.
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.5 including the table provided, DCO 2.6, DCO 2.7 and DCO 2.8 and the Applicant's proposed changes to this Article highlighted in the Draft Development Consent Order Schedule of Amendments Explanatory Document: Appendix 19 of Submission for Deadline 4 [REP4-027].
Note: Aspects of this Article will be discussed in the Local Impacts Hearing scheduled to be held on 19 January 2016 and points covered in the Applicant's response to DCO 2.6 will also be covered at item 4 o), below.
- e) **Article 2** – - Interpretation, the definition of "limits of deviation"
To discuss the relationship between "limits of deviation" and Order Limits.
- f) **Article 2** - Interpretation, definition of "Unlicensed"
To discuss the Applicants proposed amended definition of "unlicensed works".
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.10.
- g) **Article 3** - Development consent etc. granted by the Order
To discuss the limits of deviation
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.11.
- h) **Article 5** - Transfer of benefit of Order
To discuss the MMO's stated position on this Article and to discuss the wording of Applicant's modification of Article 5(6)(b) in the draft DCO submitted at Deadline 4 [REP4-043].
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.11 and DCO 2.12
- i) **Article 6** – Application and modification of legislative provisions
To discuss progress in gaining approval for the modifications to legislative provisions put forward.
To discuss the inclusion of the Lindsey County Council (Sandhills) Act 1932 in this Article.
Note that aspects of this Article will be discussed at the Compulsory Acquisition Hearing scheduled for 20 January 2016.
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.13.
- j) **Article 9** – Temporary stopping up of streets
To **note** the Applicant's proposed modification to this Article and the responses to question DCO 2.14.

- k) **Article 10** - Access to works and temporary highways alterations
To **note** the Applicant's response to questions DCO 1.17, DCO 1.18 and DCO 1.19.
- l) **Article 13** – Authority to survey and investigate the land
To discuss aspects of this Article and the extent of the powers it would provide.
This item will draw on, inter alia, responses to the ExA's second round written questions DCO 2.16
Note: Discussion on aspects of this Article will take place in the Compulsory Acquisition Hearing scheduled to be held on 20 January 2016.
- m) **Note** that discussion on aspects of Part 5: Powers of Acquisition will take place in the Compulsory Acquisition Hearing scheduled for 20 January 2016.

SCHEDULE 1

- n) Schedule 1, Part 3 – **Requirement 5**, Detailed design onshore
To discuss the Applicant's proposed amendment to this Requirement.
Note that aspects of this Requirement may be discussed at the Local Impact Hearing scheduled to be held on 19 January 2016
This item will draw on, inter alia, responses to the ExA's second round of written question DCO 2.18
- o) Schedule 1, Part 3 – **Requirement 14** - Code of Construction Practice (onshore) and Construction Environmental Management Plan
To clarify the relationship between the Code of Construction Practice (onshore) and the Construction Environmental Management Plan
To **note** the responses to the ExA's second round of written questions DCO 2.21.
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.6, DCO 2.19, DCO 2.20 and DCO 2.21.
- p) Schedule 1, Part 3 – **Requirement 14** - Code of Construction Practice (onshore) and Construction Environmental Management Plan
To **note** the Applicant's proposed amendment of Article 2 to include a definition of "main river".
To discuss the need or otherwise to include the phrase "main river crossings shall be undertaken using trenchless methods only" as a separate requirement.
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.22.

OTHER SCHEDULES

- q) **Schedule 5** – Land in which only new rights etc. may be acquired
To **note** the Applicant's response to the ExA's second round of written questions DCO 2.23.

- r) **Schedule 5** – Land in which only new rights etc. may be acquired
To discuss the implications of the possible application of a Restrictive Covenant to Plot 48/17B
This item will draw on, inter alia, responses to the ExA's second round of written question DCO 2.24.
- s) **Schedule 5** – Land in which only new rights etc. may be acquired
To discuss the Applicant's proposals to revise the terms of the Restrictive Covenant as set out in the Applicant's *Note on proposed modifications to form of Restrictive Covenant: Appendix 30 of Submission for Deadline 4 of 5 January 2016* [REP4-060], in so far as they have not already been discussed in the Local Impact Hearing scheduled to be held on 19 January 2016.
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.24.
- t) **Schedule 8**, Protective Provisions
To discuss progress on gaining agreement on Protective Provisions in so far as they have not already been discussed in the Compulsory Acquisition Hearing scheduled to be held on 20 January 2016.
- u) **Schedule 11**, Discharge of Requirements: paragraph 5(1)
To consider the wording of this paragraph in relation to the concerns expressed by the Local Planning Authorities.
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.26

DRAFT DEEMED MARINE LICENCE

- v) Draft Deemed Marine Licence: **Condition 3(3)**
To **note** the responses from the Marine Management Organisation and from the Applicant to the ExA's second round of written questions DCO 2.28.
- w) Draft Deemed Marine Licence: **Condition 5(13)**
To discuss the proposed delay in notification
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.29
- x) Draft Deemed Marine Licence: **Condition 7**
To **note** the responses from the Marine Management Organisation and from the Applicant to the ExA's second round of written questions DCO 2.30.
- y) Draft Deemed Marine Licence: **Condition 8(1)**
To discuss the proposed amendment to this Condition by Lincolnshire County Council and to **note** the responses from Historic England and from the Applicant to the ExA's second round of written questions DCO 2.31.
- z) Draft Deemed Marine Licence: **Condition 7**
To **note** the responses to the ExA's second round of written questions DCO 2.32.

- aa) Draft Deemed Marine Licence – **proposed new Condition 12**
To discuss the position of the MMO on this proposed Condition
This item will draw on, inter alia, responses to the ExA's second round of written questions DCO 2.33
- bb) Draft Deemed Marine Licence – **proposed new Condition 14**
To **note** the responses to the ExA's second round of written questions DCO 2.34 and the request from East Lindsey District Council that it would wish to be a consultee when it comes to satisfying the requirement.

OTHER ISSUES

- cc) To **note** the Applicant's response to the ExA's second round of written questions DCO 2.35 and 2.36.

6. **Possible New Requirements**

To discuss the wording of the proposed additional Requirement on the means of controlling unexpected contamination:

This item will draw on, inter alia, responses to the ExA's second round written question DCO 2.27

7. **Any other relevant business**

8. **Close of Hearing**