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which concerns the examining authority schedule of changes? And in particular article 19.5.

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Mr. Jarvis, are there any applicants views on the F x as deletion?

00:19

Thank you, sir. So the proposed amendment to Article 19 five is not agreed with

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compensation would only be payable in relation to damage not made good. Where damage is made goods, there will be no need for compensation. deleting the wording suggested would require damage to be made good and for compensation in relation to the damage made good to be paid. The position provided for in the draft development consent order mirrors the position in equivalent primary legislation, for example, paragraphs 10 and 11 of shedule for to the electricity act 1989, which provides powers to licence holders to enter on land for the purpose of ascertaining whether the land would be suitable for use for any purpose connected with the carrying on of the activities which the licence holder is authorised by his licence to carry on paragraph 11 two of the electricity act 1989 shedule for states wherein the exercise of any power conferred by or under paragraph nine or 10 above any damages caused to land or to movable any person interested in the land or movables may recover compensation in respect of that damage from the licence holder on whose behalf the power is exercised, therefore logically follows that where damage is made good and therefore there is no damage compensation will not be payable in relation to it.

01:39

Thank you Werther's Was there anything from anybody else on this particular agenda item 3.13.

01:47

This is what

01:51

Yes, sir. Thank you very much. And we've noted your your helpful refinement, and we would endorse and agree with it. And you have our underlying point which we understand supports your proposal. And can we just clarify whether upwind has evaluated the scope of potential compensation under Article 19,

five in relation to temporary use of land, in effect his rental payment while they're on the land? Thank you.

02:20

Thank you, Mr. Slocks. Mr. Jarvis, is there anything that you can respond to on that particular point? The final point that Mr. Walters made was regarding compensation.

02:30

I mean, compensation is payable. And it's not anticipated that there would be a high amount of compensation payable in relation to this particular article which authorises surveys to be undertaken on the land. But I can confirm that the compensation payable for the periods of temporary possession of land for the purposes of carrying out the authorised development is included in the cost estimate within the funding statements. Thank you. Thank you. Was there anything else under this particular agenda item 313?

03:00

Yes, please come here to figure in due course, from at Queen's for that value. And that'll be provided to me. But within next deadline, thank you. Right again, in terms of that, Mr. Watt, then you've heard the response at the present time. And, Mr. Jarvis. If you can comply with that request, then so so be it. But it's for your mister job is to respond in a way you see fit. Anything you wish to add Mr. Jarvis? No, thank you, sir. Thank you. Anything else on agenda item 313.

03:31

Let's call him.

03:36

Mr. Calhoun. I see your hand is raised. Thank you, sir. Yes, I'm trying to be clever with my system. So forgive me, all I was going to do is draw attention to pccs commentary in its document, which sets up various issues that was raised very similar to the ones that have just been mentioned.

03:54

So I don't know whether

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under this part, we're going to ask

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aquin to look at any of the other comments. But obviously, what's with the set out its views on article 19, on page 15,

04:12

and 16 of its document, as it's submitted, so we'll wait to hear perhaps on that. Thank you. Just on that particular point, if the amendment had been accepted by the applicant at this stage, then I would have asked Portsmouth as to whether that took out certain of the comments that had been that it had made

in terms of the dcl. I will actually now come on to the points made by Portsmouth in terms of the DC of the recent points, which is as document as zero 61. Obviously, the agenda is produced was produced in advance of those comments being available. And so we're having to fit those in as an announced items on the agenda. Just before I move on, then was there anything further on agenda item 313.

05:00

Okay, nothing heard. Thank you

05:03

all now to agenda item 314. Any other matters?

05:09

The I come on now to the document that Portsmouth has put into the exam examination in terms of as zero 61. And, Mr. Jarvis, a response to the contents of that document, please, if you can.

05:25

Yes, thank you, sir. So there are various comments in relation to Article 17. But they all appear to confirm that the article is acceptable.

05:34

There are various comments made in relation to Article 18.

05:39

There's a reference to the Southampton London so pipeline DCA, which went further than the Akron article providing also that buildings which may be affected by the elements are included. And it's presumed, therefore that one would look to undertake any protective works for effective buildings outside the limits by private negotiation or otherwise pay compensation for any damage caused. There's no expectation that there'll be any need for any protected works in relation to buildings, which are outside the limits, which is why it's not being drafted to include for that.

06:07

There are various other comments in relation to Article 18. But again, it's more of an explanatory memorandum than anything seeking amendments. And so I don't think there's anything to comment on there further. And there is a query which you've just alluded to, sir, with regards to any liability for loss arising due to interruption arising from the survey. And I will consider that further. It's not a point that had been raised before this document has been submitted, but I can see the logic in it. And so I will respond on that point in due course. And I think that's pretty much the thrust of the comments are 19.

06:45

There's a comment here in lesson 294, C and D, that both subparagraphs must be caveated. That such consensus subject to the permit schemes under Article nine A and B, the consents under Part Three, that scheme applies as part three, there's nothing in this article that negates them from applying. And that why don't think there is any need for clarification, redrafting, to confirm something that's already clear in the drafting included in the order.

07:10

Similar response with regards to the comments made in relation to Article nine, teen six, asking that I expressly to refer to the permit scheme. That was a flexible, nothing in Article 19. Dis applies that? Again, I don't think there's any need for the amendments requested, sir. Thank you.

07:28

Thank you.

07:30

Let's go ahead. And you've heard the response there, which will be confirmed in writing in due course, is there anything further you wish to say on that response? Just to point says, Thank you. Selina going to Portsmouth City Council. Firstly, just in terms of of Article 18,

07:47

part page 14 of as 061, which is the

07:54

Portsmouth's commentary on the order,

07:58

we've made reference to our concern about

08:02

reference to natural days being the appropriate reference period. So

08:09

Portsmouth here would prefer reference to working days. And indeed, that is a concern that we would prefer throughout. So that, for example, when there's reference to 42 days, what we would prefer there be reference to 30 working days, so that, that that and indeed when there are short periods, so for example, there are references I read, I haven't gotten the tip on the on the tip of my tongue. But

08:40

if I could just hold you there for a moment, Mr. Jarvis, I believe that earlier on in the hearing, this is something that you've said you will already consider that you will consider I correct in that.

08:51

I did say in relation to a specific article, which I think was article nine a. But nonetheless, I will consider it where it's raised. I mean, I have no issue with working days or days being used. And there was some discussion in the last hearings about which should be used. And I then sought to

09:13

ensure there was consistency throughout the order. And, again, I'll do my best to do that. And if we go back to working days, we go back to working days, and I'm sure for the odd bank holiday, it will be

worthwhile. So that's fine. Thank you, sir. Thank you. Miss Cahoon. Does does that respond to the points that you were just making? Yes, sir. And just just one other one, sir.

09:35

In relation to

09:39

point made about article 19.

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And indeed, it was not article 19 for C two D and the reference to the permit schemes. So that's page 16 of as 061.

09:59

So

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If you look at article nine a,

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it applies solely to part three, as I understand it, and we are out with Part Three now.

10:18

Forgive me, I'm just trying to find the reference

10:24

to I just realised that this that this applies to part three, the permit scheme is not otherwise disapplied. So where permits are required in connection with another part of the order, the permit scheme will be applicable, as is the position at law.

10:39

Mr. Jarvis, thank you, thank you for for being helpful that Miss Miss cohoon. Does that answer the point that you're making? Or whether further points that you wish to follow up on this? I'll take that away. And if I think that it's not clear enough, I'll I'll I'll make a point. Thank you, sir. Thank you very much.

10:57

Were there any other matters that anybody wish to raise? On this part four of the draft decio. were under agenda item 314. anything from anybody else?

11:12

Okay, nothing hurt. Thank you. All now to part five of the draft DCF then powers of acquisition and on to agenda item 315.

11:24

This deals with the examining examining authorities shedule of changes to the draft decio. And what I would like first is the applicants view on each of those xa changes. And they're listed out there in the agenda. Mr. Jarvis.

11:44

Mr. Jarvis, you're on mute.

11:47

Sorry, sir, I was just explaining that all of those amendments are accepted and will be made to the draft DCR deadline.

11:54

Thank you.

12:00

Um, now to agenda item 316. And it's really for the applicant to explain the actions that it and others have taken, which have resulted in additions made during the examination to the entries in the book of reference, referred to in Article 24 plus 1012 to 1014. b. The purpose of this agenda item is really just to bring together the communications that the applicant and indeed others have had with basically the allotment holders. And that would include correspondence from Portsmouth City Council, that that we've we've seen already parts of it in the examination, and also an example of the Li cues that have been sent out so that we can have a picture of

12:43

a picture in one place of the actions that have been taken. So in terms of agenda item 316. Is there anything you can say on this Mr. Jarvis? Yes, sir. Thank you. So following the issue of the rule 17 letter by the examining authority, the applicant drafted and provided a request for information questionnaire, a plan identifying the relevant areas of land over which rights are sought to Portsmouth City Council, who reviewed and agreed its wording, Portsmouth city council then inputted allotment holder contact information and circulated the letters to the allotment holders. Portsmouth city council did not provide this information directly to the applicant because of concerns regarding data protection. And this was an approach that was discussed with the pins case officer at the time, many of the allotment holders have responded to the letter and have provided their information to the applicant. And all those who have responded have been included within the book of reference, where allotment holders have an interest within plot 1014 they have been listed as tenant occupiers as a category one interest in part one of the book of reference. allotment holders across the whole of the allotments have been recorded within plots 1012 1013 1014 eight and 1014 B as holding REITs listed as category two parties within part one, category three parties within part two, and also listed in part three of the book of reference. And for reference, I will just describe each of the plots because I think that helps in understanding why the book of reference is drafted as it is. So the plots in the right sort of relation to this Mr. Jobs, if I could just come in there just on this, this, this can be quite brief in terms of really descriptions of items that you believe that we should already be aware of.

14:25

And I mean, I can stop it. I think the key point is, is that we received the rule 17 letter, and we were asked to contact the allotment holders and we did so we agreed the wording of that with Portsmouth city council who assisted with that exercise and where we received further information. We've included that in the book of reference. Thank you. So right, this is Jarvis just on that we have seen during the examination put forward by others,

14:49

to letters I think possibly that went out from Portsmouth, and one further letter that went from the applicant for instance, to Mr. Stark, the chairman of the allotments Association

15:01

I would request a post hearing note on this matter. And if that could include the documents that you're aware of that have been provided by others. That was indeed part of the agenda item.

15:18

Is that is that clear? Yes, that's clear. And we can certainly provide a understanding of those other letters that were issued. And that I would just add that the other lists issued by Portsmouth city council were not issued with the knowledge of the applicant. Yes, and and obviously, documents that you are aware of, can obviously be qualified, whatever way they need to be qualified. I will now obviously open this up to up to Portsmouth and see if they have any comments on this particular agenda item. But is that all that you wish to say on the subject at this time? Yes, thank you, sir.

15:51

Thank you. So still on agenda item 316. Then, Miss cohoon? Is there anything that you'd wish to add on to what's just been said, in terms of the additions made to the examination book of reference.

16:07

So in terms of of the very specific issue that that we've been discussing, which is is how

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there are clearly a series of responses with some of the allotment holders that gave the Civic Office of Portsmouth as their address, and we

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and we have obviously been in correspondence with with you the examining authority as well as copying in at Quint as to how we took that matter forward.

16:41

It, it is obviously a matter that may come up at the CA hearing as well. So I don't want to say any more.

16:50

But but simply to register that is how the matter has arisen for those who are listening who might not have understood what this is about. And, and obviously that the main concern is to ensure that those

who who do have an interest in actually being properly notified. So I think that is all I would say, for the moment. And

17:11

simply to say that that Portsmouth has sought to assist as best it can in in a situation that really wasn't to be seen making. This will happen. Just to come back to the purpose of this agenda item. As I said, originally, the agenda item is to collect together in one place, all the documentation and the actions that have been taken. Excuse me, if there if there are elements. I would be grateful if Portsmouth could also produce a post posted post hearing note to show the actions that it has taken, including possibly letters that Portsmouth might have sent to either the chair the allotments Association, or the allotments hole holders themselves. I think at one stage there was correspondence that went from the Portsmouth city council to the allotment holders, that would be useful, it may well be that the two parties boss within the applicant can actually get together to produce a single document on this. But if that isn't the case, then two separate documents will suffice.

18:09

So yes, if there's anything you don't have that deals with this matter, then we certainly will provide it.

18:16

This go here and the object of this exercise is to draw this together in one place. And so on this agenda item, we're happy to have duplications of what might already have been provided, so that it's actually all in one document. Very good. That's very clear. Thank you, sir. Thank you.

18:31

Was there anything else on agenda item 316. from anybody else?

18:38

Okay, nothing hurt. Thank you.

18:40

Well, now to agenda item 317. And this relates to the horn see three offshore wind farm order 2020. And the article in that order. 22. for Mr. Jarvis. Any comments on this agenda item?

18:58

I do have a written explanation, sir. But the conclusion I get to is that I will include an article similar to Article 22 for in the DCR at deadline eight. So I just be interested to understand whether you want me to provide an explanation if you're happy to receive that in writing in due course. I'm happy to receive that in writing in due course, the deadline eight. And I've taken on board what you have said in relation to that agenda item. Was Was there anything else anybody wish to add on agenda item 317?

19:28

Okay, nothing heard. Thank you on now to agenda item 318.

19:34

And this concerns crowd consent and the of course possibility that crowd consent may not be received before the end of the examination. It's whether any changes would be need to be made to the draft decio if that consent was indeed not received before the end of the examination. Mr. Jarvis, would any changes need to be made? Mr. Bird when asked the questions on crown lands

20:00

Thank you, Mr. Bird.

20:05

some feedback

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on this.

20:14

Thank you. So it's not just addressing the feedback issues. So I tend to my address questions 318 319 and 320. together because they are related in terms of the response. They are Yes. And I'm happy to have them dealt with together. I'm grateful. Thank you, sir. The starting position is we expect the questions to be academic ones, only to crown entities who own interests in land, which might be affected by the decio. exists, those are the crown estate and the Ministry of Defence, and letters of consent are being sought from both. And we're confident that consent will be obtained by the end of the examination, or in the worst case soon after it's closed. And if the consents are obtained, after the close of examination, we will provide copies to the examining authority, or if later than three months after the close directly to the Secretary of State, to turn to directly to answer the questions. And just on that point, Mr. Bird, we will obviously have to look at that procedurally, in terms of documents being provided after the end of the examination, are cut off in terms of the examination for four documents is indeed the close of the examination. And so that's procedurally you will just have to bear that in mind

21:23

will bear that in mind. Thank you, sir, for that reference. So if no consent is obtained from the two crown bodies, then the effect of Section 1351 and two of the 2008 Act is that it would not be possible to include powers authorising compulsory acquisition of any third party interests in those relevant plots. And it would be not possible to include any other provisions in the developed consent order in a form which would apply to the relevant blocks.

21:52

And whilst we know that the sector state took a more flexible line in relation to Southampton to London pipeline project, DCA in our view, that was not compliant with the requirements of Section 1351. And two, because section 135 does not in our view, sanction and approach which simply requires consent to be obtained, after the developed consent order is granted, before such consent is exercised. So, so properly to reflect section 135 of the Act, Article 47 of the decio would require changes effectively to remove the without consent in writing elements of Article 47 one, little one, two, and three, and the deletion of Article 47, too.

22:36

So can I just for completeness touch on plot 321, which is Bona vacantia. And discussions are continuing with Burgess salmon on behalf of the crown in relation to that, but our understanding is the crown does not consider itself to be the owner of such property. And therefore the crown is not in a position to give section 135 consent in respect of such property. And that was the position they took in relation to the Southampton to London pipeline examination. And we hope that user will not therefore require section 135 consent to be obtained in relation to part 321 given the current position set out there,

23:14

turning to the M od and question 319, as I already explained, so we believe the question to be academic, but if neither the crown estate nor the mo D were to consent, in advance of the making of the order, the position is as I've just explained it in relation to question 318 If only the Ministry of Defence consent was not obtained, then article 47 would require amendment to remove powers relating to their land by similar amendments to the crown which I have identified under the response to question 318 and so that the amendments which will be required in a

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written summary of these oral submissions in due course.

24:00

But there would be no need for any further amendments to the DCA provided those amendments were made to Article 47. One in their circumstances.

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Turning then finally to question 320. The amendments to Article 47, one which I've outlined would address the issue, and no further changes would be necessary, as I've already said.

24:24

Thank you, Mr. Bird, just on the submission of this material to the examination, I think it would be more useful in terms of reporting, if this was if this particular aspect relating to crown matters was to come in as a post hearing note, and not as part of not in detail as part of a transcript of the oral oral oral submissions put in because it was collected together in one place. They're very comfortable. With that said we'll provide you with a post hearing note on that. Thank you

25:01

Right, having heard the discussion on items 318 319 and 320. Was there anything anybody else wish to raise under those agenda items?

25:16

Okay, nothing here. Thank you.

25:26

Oh, yes, Mr. zwack? Yes, I do. I'm so sorry, sir. I was I was anticipating 321.

25:36

Right. Okay, yes, I'll put my hand down, then put it back up again for that item. Thank you very much. But I will actually now come on to 321. But before I go on to any any other matters to raise, I just wanted to come back to the Portsmouth City Council's document as zero 61, which was the proposed changes to Part Five. Again, we have the document within the examination. Mr. Jarvis. Is there anything you wish to respond to in terms of that document from Portsmouth?

26:14

Thank you, sir.

26:17

I don't think that specific To be honest, I don't think there are that many points raised. Again, there are certain requests for clarification. I don't think many of those are actually needed. I think the position is sufficiently clear. There's one point in relation to Article 30, which seems to state that the position in relation to how plot 1014 may be used temporarily is not clear. And it's not clear to me if that comment has been made, having taken into account what's stated in sheduled 10 of the order, which sets out how that line can be used. But I think that does clarify the issue and therefore address the point raised and that nothing further to add on Portsmouth City Council's comments on part. Hi, sir. Thank you. Right. Okay. Just Just on that documents the as zero 61 ports Portsmouth City Council's comments, in terms of Article 28.

27:12

I haven't been able to pick out anywhere, the justification for the

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21, the 21 days.

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I can see it, I can see it in in other made DC O's, for instance, the thought gas pipeline, but in a lot of other DC hours, then it still appears as 28 days. Just the reasoning behind that being 2821 and not 28 days, the 21 being in the draft DCM? I don't have any specific rationale to provide, sir. So I'm more than happy for it to be 28 days rather than 21 days. That's not a problem. Thank you. Thank you.

28:04

And then you've mentioned article, Article 13. And article 3030, was also referred to by Mr. Ward. But our Mr. Ward obviously wants to come in on this item. And so I'll hold off on that one at the moment. My other point was relating to Article 31. With the unspecified occupation and time, if I can call it that. And that was said to be I think, as

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silvertowne possibly. I've seen somewhere.

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I'm just wondering why, why there is an unspecified occupation time, where it has been specified in other recent recently made decio is

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that I'll have to go back and look at the precedent, sir. And I don't think there's any particular reason why it would need to be for an unspecified time, I think is put

29:03

in their comments. And they sort of query why there is a five year period altogether on the basis that the new connection rights would otherwise apply

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to now.

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But in any event, leave that with me and our review of the no precedent and if I think a change can be made to more clearly confirm the position. I'll make that change, sir. And I'll confirm in my schedule of changes as to why that's been made. Thank you.

29:29

Thank you very much.

29:38

Right coming coming now back onto onto article 30. Then,

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you you've actually explained the the the further the further clarity situation, if you like so far in this in this hearing, Mr. Schwartz, I understood that you wish to come back on this item and I am conscious that in your most recent

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Some representations, they actually refer to Article 30.

30:04

I'm happy to hear from you now on article 30, if you wish, or other matters that you wish to raise. Thanks. So can I just summarise and keep my points as brief as possible, just take them all in one go.

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Firstly, can we just reiterate to you, sir, that the carpenters recognise that the project in the field of energy

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is is, is what is being sought. And they are seeking to facilitate that particular project and are hoping to be able to continue their farming business cheek by jowl with that project. And of course, you will see

we're trying to simply roll back the extensive landscape consistent with our previous submission. So that's our start point in relation to the decio. For the project, the CPL elements are completely separate. And we know from the state's guidance that it's not assumed that CPOE carries along with the DCA. So that's our situation. I could just hold you there for a moment. Yes, sir. What just for the procedural aspects of the hearing, I'll now take these as agenda item 321, which is any other matters that parties wish to raise?

31:21

Thank you. Thank you very much that clarification, sir. So firstly, you have our case. And you have our recent documentation, which explained the in jurisdiction element of the project in the field of energy. And you have our position on that. And you have the example of the swanzy Bay tidal lagoon where your brother xa had to grapple with the same boundary line of where the jurisdiction was, and you have a contentious and submissions and statements in relation to the extra jurisdiction or purpose in the field of commercial telecommunications. Secondly, if you come to

32:00

Article 20, you will see where that very broad, overlapping jurisdictional situation occurs because you'll see just as an example, that article 21 B, it proposes a power to use any Lancer quite quote, for the purposes authorised by this order, which takes us back to article three, which says about the tech commercial telecommunications, but also or for any other purposes in connection with or ancillary to the undertaking, that is an extraordinarily wide acquisition power, which the law requires to be objectively justified for each and every cubic foot that sought to be acquired, as you will know. So simply put, we would say that obviously needs to be deleted, to facilitate your process. So we understand that we can convert the most up to date draft of the decio from a PDF into Word. So rather than do a rather laborious sheduled of changes, we will do a track change version, with comment trees in comments down the side. For You, sir, that aligns with our case. And that that's a logistically less cumbersome away than going through lots and lots of tables.

33:16

And it was is that a deadline eight submissions to give the applicant opportunity to comment on? Yes, yes, exactly. And we we, as we said, from the outset of our participation there, so we remain

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open to discussion with aquin. But there has been none at all from them. And so we're driven to make these representations to you through user. And you you may take from Mr. Bryce's evidence that you've seen that there has been next to zero engagement and there's no obligation obviously on the applicant to take quote, all reasonable steps, unquote, and they simply haven't. So that's why we're having to do what we're doing here. And thirdly, you will see related to Article 20 is, for example, the

34:02

related article 27 for permit acquisition of subsoil and airspace, under Article 27. One, now Forgive me for being stupid, so but I thought this was a project about burying a cable underground, and I'm struggling to see how airspace permanently acquired has any relevance at all to this decio let alone there's been any justification for why they need acquisition of airspace.

34:28

On the order land, see article 21, a lot more thought that once they buried their cable, they don't need a space at all. So So we say delete, frankly, Article 27 one or at least refine it. So it's simply for operation for constructibility purposes like drainage rights and so forth. Once it's gone, it's gone. The related point we've tried to explain to aquin says rocheleau envelope.

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This is not a detailed application for decio. So when

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We are speaking about Russia envelope. We're reminding the XA applicant that this is essentially an outline application with no particular detail whatsoever. It's essentially got a notional envelope inside it's envisaged to construct something described in words. And therefore, because the Russia long globe is itself a three dimensional volume, necessarily it encompasses airspace. Therefore, that's why article 27 has no bearing in relation to airspace because it operates against logically the need for such a long loop at all. That's why we made submissions about increasing the Rochdale envelope in three dimensions to encompass structures as our envisage to be inside its compass. Rather than simply populating it like a hedgehog with further volumes dotted about will come in due course but not under this article, sir to the Russia envelope being theoretically sought to be extended Eastwood's to encompass the lob, Dean extension substation development in due course. But that's an example of a problem that has arisen in relation to to that and shows the very wide Congress of the powers being sought. So so that's point

36:11

three. And I think other than that, and to remind the ex a sir that in line with our facilitative approach, as a former neighbour to

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electrical infrastructure, we have been promoting both protecting provisions to facilitate construction of the converter station and barrel of the cables, and to their after seat restoration of my clients land back to farming afterwards. And that is what the protect provisions seek to do. And similarly in relation to access to square the object point made by Aqua and we are proposing a development consent order, sorry, development, consent planning obligation

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to enable maintenance access by aqualand to its converted station during the operational phase, which will be by light vehicles. That's got nothing to do with getting big cranes along it as Mr. Sullivan tried to bamboozle you before. So it's simply about maintenance, for light vehicles to come in and out, you would have seen also from our most recent material, that and your understanding. So as an engineer, it's perfectly feasible to have

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temporary haul roads to bear quite heavy loads With modern techniques of chemically stiffened soil, to enable transformers and all sorts to come in and out. And then to put the land back to

37:41

farming after the event. Now, why are we presenting this material through user because the sexual states guidance does require that all reasonable steps be taken by aquin to avoid capacity purchase, and they simply have taken no steps at all. So we are having to articulate in through user and we remain open armed to aqui. And if they want to come and talk to us, they they speak about private agreements that don't frankly, believe a word of it. They are not actively engaging with us throughout. See Mr. Bryson. If I could just I'll do that. I'm starting to hear you repeating things. Yes. I'm very sorry. Thank you. So but avoid if you could avoid repetition, please. Is there another point you want to make your record set? That is a summary of what we have to say under Part Five in terms of acquisition, and you have our material already that we've supplied. But that's a summary for you, sir. Thank you. Thank you. Thank you, Mr. Jarvis. Was there anything in response

38:41

in relation to the points that were relevant to the agenda, sir? So in relation to the comments made in respect of Article 21 B, I would just note that undertaking is a defined term, and therefore that is specifically defined and appropriate and clear, in accordance with the necessary CPOE tests.

38:59

With regard to the comments in relation to airspace, I would just note that article 27, one does include the wording as may be required for the part for any purpose for which that land may be acquired under that provision. Instead of acquiring all of the land that are introduced to test of necessity, the airspace can only be acquired where it's necessary to acquire it in connection with the purpose for which has been acquired. So again, no issue arises. There was a question of a notional envelope in relation to the parameters that are so it's not a notional envelope, it's a maximum parameter, the works to go inside that envelope are approved. It's then that approved works which compulsory acquisition powers relate to again as may be required, subject to a test of necessity. And I will just pick up the final point around the access road and chemically stiffened soils and we are required to take all reasonable steps. I do not consider what Mr. Zwart has suggested would be a reasonable step. And we have also clearly outlined our position with regards to why the access road is required.

40:00

Both during construction, and both during operation and our written submissions, and I don't expect we'll have anything further to add on that, as I think the submissions between the parties in that respect have been. Some have become rather somewhat, somewhat repetitive now. Thank you.

40:16

Just as What? I'm obviously we're obviously aware of the positions of the two parties at this point in time. And as I've said previously, you want to avoid repetition. But was there anything at this stage that you wish to come back on? following what you've just heard from Mr. Jarvis? Briefly? No, sir, other than to just encapsulate that the dialogue before you is very helpful, because it crystallises the determination

in relation to it, you're going to have to make a recommendation in due course, as the party's positions become Starker. Thank you.

40:48

And Mr. Jarvis, was there anything finally on this particular point?

40:54

No, thank you, sir. Thank you.

40:58

And then in terms of continuing with agenda item 321. Was there any other matters that parties wish to raise on part five of the draft DCM

41:11

just looking around to see no hands raised Okay, nothing hurt. Thank you.

41:16

Amen to Part Six operations, which is agenda item 322.

41:25

It is our intention to take MMO DML matters and shedule 15 schedules 15 and 16 under agenda items 18 and 19. And so, that is where the body of discussion in terms of Part Six of the draft dcl would take place. But with that in mind, are there any any matters any other matters that any parties wish to raise? concerning Part Six in the decio at the present time?

41:57

This is what

42:00

Thank you. So I'm just for completeness. Remember, we raised at the outset the definition of marine HVDC cables in Article two. And that you remember in the Part Six, there was a different minor definition

42:17

of marine HVDC cables, which is fibre optic data transmission cables for the purpose of control monitoring protection and commercial telecommunication uses.

42:28

And that's another example of our our, our problematic purpose point as it were, but there's an alignment clearly necessary in relation to the same cable having a drafted different purpose.

42:40

In different spheres, different jurisdictional territory spheres that needs to be aligned, we would draw your attention to the vanguard decio which your your brothers

42:52

recommended and was granted in July of 2020, which is I've articulated before how it was for wind farm but helpfully fee for steering cumulation potentially for this kind of project sir, also had internet to cable and converter station and electricity substation, and shows how the secretary state their treated descriptions of fibre optics and other matters, which you may want to have regard to sir. Thank you. Thank you.

43:21

Mr. Jarvis response. Just to point out that Vanguard is to a wind farm and we're discussing a DCI relating to an electricity actor.

43:33

Mr. Jarvis in terms of the potential inconsistency that's been drawn to our attention, anything just to repeat my earlier comments that I'll ensure there are consistent definitions in the version submitted a deadline. Thank you, sir. Thank you.

43:53

Right, the time is now just after one o'clock as we've come to the end of Part Six operations in the hearing agenda and minded to take the lunch adjournment now. Before moving on to Part Seven it is five past five past one.

44:15

I would like a lesser

44:18

adjournment of something of the order of 45 minutes because I'm conscious that we do need to get through matters today if at all possible. And so if unless there are any specific concerns or objections to a 45 minute lunch break just looking around quickly nothing heard thank you and minded then to adjourn the hearing to be resumed our search but before I do, was there anything else anybody wanted to raise

44:44

Okay, nothing heard. Right. The time is now five past one then so I just one other thing. Those on the livestream should remember to refresh their browser when they rejoin after the lunch adjournment adjournment because that may be necessary.

45:01

So I will now if now being five past one, I will adjourn the hearing to be resumed at 10 to two, that's 150. Thank you very much.