

TEXT_Aquind_ISH4_Session4_17022021

Wed, 2/17 3:48PM • 1:34:54

00:03

The time is now attended to just gone. And the hearing is resumed for the afternoon.

00:10

I believe that we got as far as agenda item 324, which is Part Seven miscellaneous and general.

00:21

And I believe actually it was actually agenda item 323. My error there, apologies for that. So there are a number of

00:30

esa amendments identified in that agenda item. I actually want to work through them one by one in this case, and the documents with the XA changes is PD dash zero 34. So taking the first one then, which is article 43. Was there any comments? Were there any comments from you, Mr. Jarvis in terms of that amendment?

00:55

Just that they are great, sir. And they'll be nice to DC Oh, at deadline eight. Thank you. Thank you.

01:03

on then to Article 45. Now, Article 45 actually links in with sheduled 17. And they sit together to form the arbitration arrangements. So what I'll do here, I'll deal with agenda item 20, as well.

01:20

The amendments that have been made to

01:25

Article 45 comments on that, Mr. Jarvis, please.

01:32

The amendments are proposed to Article 45 are accepted and will be made to the DCR at deadline eight.

01:41

Just moving on to the arbitration rules, if I may. And I expect that we'll be fine. I do however, need to take instructions on those. It may be that there are some amendments perhaps

01:55

that it is intended that arbitration rules will be included at sheduled 17 of the order submitted at deadline eight. So

02:02

thank you very much.

02:08

Are there any other matters that parties wish to raise on article 45? and sheduled 17.

02:16

Mr. Cornwell, I can see your hand raised.

02:19

Sorry, sir. I was jumping out thinking we were in any other business for seven. Right? Okay. Oh, we drove just for the moment. Okay. And I can also see a hand raised by Jennifer Ford and his Ford.

02:34

Thank you. So this is Jennifer Ford from the MMA. And the MMA would just like to say that with regards to Article 45. We know what the proposed wording, excluding the MMA from arbitration provisions, and we would just like to say that we welcome this change and Kip.

02:54

Right. I don't see any other hands and nothing for the heard on that.

03:00

on now to Article 46.

03:05

And that is again, the changes in the shedule that I've mentioned.

03:10

And the applicants view on the article 46 changes Mr. Jarvis.

03:16

Thank you. So, the amendments to Article 46 are not agreed. sheduled three relates to the requirements not all approvals as stated by the amendments. timescales for decisions included in the decio, including were included in the decio powers have been included taking into account the appropriate timeframe for decisions to be made. It is not rather it is considered the amendments suggested by the Xay to Article 46 would create confusion throughout the decio. In addition to not being necessary amendments, the amendments will not be made, therefore, and furthermore, the applicant does not agree that the amendments put forward by the XA do reflect a general Preston approach seen in recently made orders. The applicant would highlight in this regard that provisions of the type suggested are not included in any of the following the Southampton to London pipeline development

consent order 2020. The North Vanguard offshore wind farm order 2020 the Hornsey three offshore wind farm order 2020, the West Burton sea gas fired generating station order 2020 or a 28 one britany to call house development consent order 2021. All of the above recently made orders have a procedure in relation to requirements only and otherwise include timescales for decisions to be taken were required in connection with the exercise of DCR powers, as is the general precedent approach approach ceding made orders and the applicant will continue to follow this tried and tested precedent approach. And I think that's everything on article four. Thank you.

04:43

Right.

04:46

In terms of the made orders, then you commented then on other orders, which don't actually include a requirement or provisions such as, as this

05:00

So are you are you saying that the existing provision in your draft dcl, at the moment actually follows that set out in, for instance, the South Hampton to London pipeline? Vanguard, Hornsey three, and West Burton? Yes, sir. I am in the procedure specifically relates to requirements and appeals, it does not relate to all approvals under the order. That's the first thing in the act can do. And that aligns with the approach taken in the orders I've just listed out so. And does this align in terms of the wording of that? I mean, obviously, we can check this

05:35

need to check expressly but I think because of the way in which the amendment is drafted, there are certain tweaks, but

05:44

I will need to review that. And I can confirm in my post hearing notes, so. Right. Okay. Thank you. Thank you. And I should have said at the start of this particular agenda item that because of the linkage between article 46, and shedule. Three, we're actually dealing with these all together in the same way as we did with the previous agenda item. I can see a hand up and that is from I think it's Miss Ford.

06:12

Jennifer from the MMA. And we would just like to further Mr. Jarvis's point around the wording, it's not clear with the changes whether the MMA is included in schedule three or not. The proposed wording of provisions rather than requirements widens the use of the procedure in Article 46, beyond those approvals set out in schedule two, and it applies, arguably, to any approval required under provision of the order, including approvals under the de marine licence. And therefore the MMA request that article 42 is amended to expressly include consent agreements or approvals contemplated by the provisions of schedule 15. We're happy to prepare this wording further deadline eight.

06:58

Right. Okay, if you could do that. Thank you.

07:02

But in terms of so in terms of the MMOs position on this particular aspect, Miss Ford, I see you've disappeared for a moment. And I just like to ask a question on that, please. Thank you. I'm relating to the form of the applicants draft this year, then is the MMO content with that, because of the other amendments that have been made around this subject.

07:26

The MMI do not want to be included in schedule three. And the applicants drafting uses the word requirements, and which means we do not believe we will be included in part of schedule three, we still do not agree of schedule 16, which I understand we'll be discussing later in the agenda. But for the drafting of this part, we're content with the applicants writing. So you contend with the applicants wording, and you'd already mentioned

07:54

previously the requirements, word that you've just put in that

07:59

they just added that we would like it explicitly stated that we are not part of schedule three, which will be providing a deadline it right. Okay, then so that it that is the the amendment that you will be providing at deadline eight means that you would then be satisfied with what the applicant is putting in the draft ECF document was was taken on board, you have some concerns over the existing applicants wording of sheduled. Three, because it could be taken to include the animal? Yes, yes, the enemy wants it to be clear. We do not want to be part of schedule three.

08:34

Right. Okay. Thank you. And I can actually see another

08:42

hand raised, I can see two hands raised. I'll take a shredded sleeve first.

08:49

Thank you. So it's Eva sophistic for the MMO. Just to concur. My colleagues point out both the applicants proposed wording and examined authorities proposed wording could deal with tightening or basically in relation to excluding the MMO. However, the applicants wording is sort of more specific on the point however, we would still like explicitly for it to stay that we are to be excluded. Thank you.

Thank you. And then Mr. Attorney,

09:19

Richard, Attorney for Hampshire County Council. So since you extended this item to include sheduled three, we just had one point on sheduled three, which was put in our most recent written submissions, which is that they submitted sheduled three to provide that the submissions for approval come forward in accordance with the phasing plan. And that has to ensure that they come forward in a way which is compartmentalised and not a single raft of submissions provided simultaneously the authority.

09:52

I've got some other points about the way in which approval requirements are dealt with, but I assume you will deal with those under the requirements rather than that.

10:00

sheduled three and this article. Yes, we will. Yeah, yeah. Yep. Okay, right. No, I had seen nothing hampshire's seven. See? deadlines, submissions. Thank you.

10:11

I don't see any other hands raised at the present time. Mr. Jarvis says do you want to say anything on what's just been commented upon?

10:21

Just to acknowledge the point made by or on behalf rather the MMO. I think it's article 46. Two in the draft order, which could be construed to maybe refer to the de marine licence, I've got no issue, including clarification wording there. And with regard to the point raised by Mr. Attorney,

10:41

I guess we just need to talk about requirement three is in the phasing plan and where we get to with that, but of course, no issue with confirming that where details are submitted in relation to a phase it must be for all of the phase that they're submitted in relation to.

10:56

Thank you.

10:59

Were there any other matters that parties wish to raise on article 46? And sheduled? Three, just looking around? Okay, nothing here. Thank you. Can I just tip there? If you're looking for my comments on sheduled? Three at this time, or will we cover those later in the agenda?

11:15

Right, okay, because I incorrectly brought this item in in the first place just as article 46. And not in terms of Article 46 and sheduled. Three, I should therefore give you the opportunity to speak on sheduled three, if you'd like to now, please. Yes, thank you, sir. And so I would just say that the proposed the proposed amendments to schedule three are not agreed to. And it's not intended that they'll be including the DCA submitted deadline eight and nine week period for approvals to be provided or indeed longer where further information is requested is too long a period and would delay the delivery of the scheme 42 days 42 days rather a person allowance of additional time where further information is requested as an entirely appropriate time period to allow for approvals to be provided whilst ensuring the scheme is delivered in a timely manner. It's noted that the period of 42 days for the discharge of requirements is provided for in the Southampton to London pipeline order, thereby evidencing the appropriateness of this time period being included in a development consent order.

Having reviewed various recently made orders, the applicant would also identify that there is no general precedent for a nine week period being included for the discharge of requirements.

12:21

The applicant has nonetheless reviewed the proposed amendment wording in detail and will incorporate amendments as it considers to be appropriate.

12:29

And I could take you through those, sir. But they're quite

12:34

sort of here, there and everywhere in terms of what I want to incorporate and don't want to incorporate. So it's probably going to be easier if I confirm that in writing.

12:42

Right? Do they do they have generic categories, if you like? They're in relation to the procedure for appeals, rather than the time periods. So I think most of the suggestions made where there were differences in relation to the procedure for appeals were generally acceptable and provided further clarity. So they will be accepted. So

13:05

it was more the the time period was what won't be accepted. So are you saying rather simplistically, that it the the outstanding issues are really the time periods?

13:17

Yes, with regard to our response to your comments, so I'm not aware that any of the other authorities have disputed 42 days as being an appropriate period. I think we've they've previously disputed shorter time periods in the authorising powers, which I've addressed. I know, Portsmouth City Council have comments on days and working days, but I don't think disputing the time periods. It's more just the expression of how they're defined.

13:41

Okay. Right. Thank you. Were there any comments on what Mr. Jarvis has just said from anybody else?

13:52

Miss Calhoun?

13:56

So I think that just to say that's fair, that that was principal issue is with working days, and we wouldn't say that we have been disputing the 42 days. Oh, as in

14:09

the 30 days that we'd end up with. Thank you. Thank you. Thank you, Mr. Attorney.

14:18

So rich, Tony, for Hampshire County Council, just to confirm that we, as Mr. Roberts said we didn't push for for two days to be changed. We would favour having a longer period we've expressed concerns repeatedly through the process about the pressure that these approvals could put on the authority. So we do support the idea of longer being provided and it's right said it didn't expressly object 42 days in the first place. Okay, thank you.

14:49

Anything from anybody else on this matter? Just looking around, okay, nothing heard. Thank you.

14:55

All now then. Two changes to Article

15:00

47 to down matters.

15:03

Mr. Jarvis, the applicant's view on that change.

15:12

Mr. Jarvis policy, sir, just coming back now.

15:20

The correction identified in respect of Article 47. Two will be included in the decio submitted deadline eight. that's acceptable. Thank you. Thank you.

15:32

Right, I want it now to go on to the document put in by Winchester City Council, which is rep 700 93. Now on this, I have seen the

15:50

the applicants deadlines, seven see submission. And it's only just been published. I don't know if

15:58

Winchester have had the opportunity to run through that. But I just like to deal with those

16:05

changes in order, Mr. Jarvis. So I wanted to start off with 41. One be. And I've already seen your response about the wording here, particularly around the word using, if you just want to very briefly run through your position on that.

16:24

Yes, so the applicant notes that I'm using is used for the same purpose in like articles and recently made the CEOs where the manner in which the authorised development will be used is not dissimilar. Notwithstanding this, the applicant would be agreeable to amending the term using to involved in the construction maintenance and operational. The applicant expects this much will be discussed today. I guess it's really for Winchester city council to comment if they would be happy with that change given the price the point? Yeah. Okay. Thank you. Mr. Cornwell. Did you have anything to say on this particular matter?

16:57

Thank you, sir. on that matter, we welcome the suggestion that Mr. Jarvis has just put forward and think it's an appropriate solution. Thank you. Moving on to Article 41, seven now, Mr. Jarvis. Comments on what's being put forward by Winchester.

17:22

Mr. Jarvis? Yes, sorry, sir. I'm just sort of looking on 41

17:29

it's quite difficult for me because I can't actually see your desk. And so I don't know whether you are continuing to write or not. And if you're if I'd seen you continuing to write now, I wrote it off slide where I was

17:41

that he just bear with me one second. And I'll just have a quick look at the draft do not have to come back on that point. So

17:50

yeah, it's actually documents seven zero 93.

17:56

From Winchester, and I believe that your responses have been deal dealt with in your seven c submission? They have. So yes, I'm just trying to do them in more short form rather than reading them out to you. Okay, one more time. Yes. And if you just barely one second

18:19

think what's coming confused with those that you've referred to Article 41? Seven and 41. Seven is in this article hetero important heterosexual have the meaning in the hedge by regulations. And I'm not sure that's what we're interested he has to have comments on.

18:33

Right? Have I have I incorrectly right? Do you have the Winchester comment in in red? Actually, below that article?

18:41

don't reflect 793. Bear with me one second when we get upset. Sorry. Apologies. No, that's okay. That's okay. It's It started off with my possibly incorrect quoting in the article.

18:58

Getting that?

19:00

Right. Okay. just just just while you do that Mr. Cornwell. And do you have a resolution to this particular difficulty? I just wanted to say if I might be able to clarify because this this is a question about replacement planting. In the event that work is done at some point in the future, either under Article 41 or 42.

19:25

Right. And obviously, the the council has a concern that at the moment, that doesn't appear to be any requirement in either article, that if the applicant does at some point in the future return to any part of the cable corridor, undertake works and require the exposure of the circuits themselves, and in doing so removes some vegetation that our vegetation is then there's subsequent replanting, under undertaking

20:00

It would appear, the proposal is that the landowner is given a sum of money, and that the landowner themselves decides how that money spent, be it on planting or possibly even opposed to my offence.

20:16

Thank you,

20:20

the garbage. And so just in that respect, I think in the event that we were to look to remove any Hydros in the future, in connection with maintenance, which we'd need to attain the relevant consensus to do so. And

20:40

so I think the matter would be dealt with at the time, it's not it's not anticipated, there will be a need to remove Hydros. In the future, once the scheme has been built. Up, I do acknowledge there are temporary accesses, which may require the removal of petrol where there may well be a replacement in accordance with the agricultural method statement agreed?

20:59

I think it's it's difficult. The difficulty is there's a difficulty in it. I don't think it would be appropriate for the applicant to be seeking rights over persons hedgerows in perpetuity to allow them to be removed and replaced. And that's not what's sought. So we can't really be expected to compel landowners to do things on their land that we don't have the rights to do. And it's not such a necessity that it will be appropriate to include CPR rights in this respect.

21:28

Right, just on that point, then, Mr. Jarvis, is this something which you can consider and respond to in your dcl? commentary? Yes, I can do that, sir.

21:42

Mr. Koerner. Was there anything that you further that you wish to add on this on this point? I haven't actually got to 42. To be yet. This is still on 41.

21:55

Thank you. So I,

21:58

Mr. jarvey seem to indicate there would be some further level of approval. If the applicant had to go back on site. I, I was looking at the

22:13

the new connection works rights within the statement of reason. And high understood that that would include powers for them to maintain

22:23

undertake future maintenance, as required. So perhaps I'm looking for some clarification, though.

22:32

Right, Mr. Jarvis, you did mention further consent. And you then mentioned the method statement in connection with this works. These works. I wonder if you could just

22:44

expand on those two points, please.

22:50

I mean, I think I probably need to give it some further thoughts. Come back with more clarity writing? And if that's okay, and all of a state try and progress this matter with Manchester City Council in the interim? Yeah. So in terms of in terms of this matter, in general, I've got the I've got the position of Winchester in terms of this particular matter, and a deadline that I will have your position on on this matter. And it'll then be obvious as to whether the agreement has been reached or not on this point. Thank you. So follow them was was there anything else on article 41?

23:26

No, thank you. So right, on to Article 42, then, and this seems to be 42 to be

23:36

Mr. Jarvis.

23:41

Any comments on the Winchester document rep seven zero 93?

23:47

Yes, sorry, sir. So section 2061 of the nighttime chart provides if any tree which is the subject of a tree preservation order is removed, it should be the duty of the owner of the land to plant another tree of an appropriate species or size.

24:00

The position with regards to the removal and replacement of trees, including trees, subjects, tree preservation orders is to be determined via the agreement of agricultural method statements. Where this confirms a requirement is to be where this confirms or replacement is to be provided, one will be provided.

24:15

If it's not necessary to remove a tree subject to a TPO in connection with construction, it's not anticipated it would be necessary to do so in connection with maintenance. So I think it's appropriate for the duty not to apply on the basis the matters dealt with through every cultural method statements. I don't consider their scope for issues to arise in the future as a result, so.

24:35

Right, so in that you believe that not the word not should actually stay. Right.

24:42

Okay, thank you. Right. Mr. Cornwell? Any comments you wish to add on that?

24:49

Simply so i think i think this is a

24:52

to some degree, a duplication of our concern regarding article 41. So I'm wondering if Mr. Jarvis and I can

25:00

stretch this out outside the hearing when we look at article 41. That sounds like the possible resolution or moves towards a resolution. Thank you. Right. Okay. So further information on this then would come back through your note on decio changes at deadline eight. Mr. Jarvis. Yes, sir. Thank you. Right. Okay.

25:38

So I believe that that

25:41

completes what I wished to discuss in terms of Part Seven

25:49

on the agenda.

25:52

Was there anything from anybody else on Part Seven of the decio.

26:01

Mr. Cornwell, I can still see your hand raised was just come down now, Miss cohoon.

26:08

Thank you, sir. And forgive me if what was intended is another wrap up.

26:16

provision foot for a response in relation to the commentary from

26:22

PCC in its Forgive me, I've gotten the number now, as Oh, six one.

26:28

Sir, I would only draw attention to the fact that

26:34

Portsmouth is objecting principle to articles 41 and 42. But beyond that, have made various comments about the nature of the article they're in.

26:45

If there are things to discuss, then clearly, we will. So perhaps it's better to wait and see what comes out of Winchester and at Quinn's discussions, but I just thought I'd draw attention to the fact that we put our comments there.

27:00

Right, let's go ahead. And thank you for reminding me about that. And I would like to ask Mr. Jarvis for any response that he can give to that document, which is as zero 61

27:12

as I actually had articles, 3839 41 and 42. But it could be that there are more.

27:20

Now I've got the same sir actually. Um, so I just run through those. So with regard to Article 38,

27:27

I've already confirmed earlier today that we will amend article three, so it refers expressly to the requirements. So I think that addresses the point that's raised in relation to that article, and the protective provisions. Article 39 is the application of landlord and tenant law. And PCC suggests that

subparagraph is included that obliges The Undertaker to disclose the existence of this article as a recital to any such lease, to ensure that third parties are not taken advantage of. and PCC is mindful that some of its own tenants could be affected particularly Milton bath and rovers football club. And we're not seeking the acquisition of land in Portsmouth apart from the IRS, and without freehold ownership of land, we won't be able to grant any leases. So I'm not entirely sure what of the leases we're expected to be granting to persons who PCC as landlord for. In any event, the reality is, if one's excluding protections provided by the act that would expressly documented in the least it's entered into I don't think there's any genuine concern that arises as a consequence of the form of the article proposed. So there's no intention to make any amendments in that respect. And then with regards to the comments on articles, 41 and 42 PCC objects to the articles in principle as it believes it is best place to undertake the balancing exercise and whether any particular tree should be filled. PCC will be approving the agricultural method statements, so we'll be undertaking that exercise. The articles are authorising powers, they are subject to the requirements and requirement 15 will ensure that PCC approval is obtained. With that in mind, I would query whether PCC still do object to the improvement to the inclusion of these articles, wholesalers they've put forward in their comments so far.

29:08

Okay. Thank you, Mr. Holmes. They're I think in response.

29:15

All right.

29:17

That's fine. We'll, we'll take them out of your way. Right. Okay. I can still see your hand raised.

29:24

Thank you. Right. Okay. Now then we're This is

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agenda item 325. Were there any other matters that anybody wish to raise in terms of Part Seven of the draft? dcl.

29:41

Just looking around quickly, okay. Nothing carried. Thank you.

29:48

Right at that point now, then, I will now hand over to Mr. Wallace.

29:55

Thank you very much, Mr. Roscoe agenda item four.

30:00

relates to shedule one relating to the authorised development.

30:05

The examiner authority themselves had no specific questions in this regard. But we know that Portsmouth City Council have proposed a number of changes to schedule one of the draft decio. And I'd like first of all to get the applicant responses to those as they can please, Mr. Jarvis.

30:27

Just looking at the Portsmouth city council submission, so I think the only point raised is that the objects to the fibre optic cables being included as part of the authorised development. I don't have any sheduled of more specific comments. Unless I'm looking at the wrong version of the document. I'm looking at the version that was sent to me by Mr. laeven directly.

30:45

Not that that is the same here. It's just if you had any further comment, I think that the parties are well grounded in their differences. Now, I'll maintain my previous position. Course. No, thank you very much for that.

31:00

Presumably Portsmouth city council Miss Cahoon, you've got nothing further to add on that is an agree to disagree position. Exactly, sir. Okay. Thank you very much. Mr. Fart, I see your hand is raised. I assume it so contributing to the same issue. Thank you very much. Yes. Also, you have our submissions in relation to telecommunications purpose and field of commercial telecommunication not going to go into that we're anticipating using a word version of the January draft 2021 decio. To attract change the decio to align with our contentions to assist you, sir, and your your your fellow members.

31:44

Can I just though flag up

31:49

some cameras earlier, which is that the the approach of the applicant to essentially in each of its iteratively published

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evolutionary draft decio terms is to only present the newest terms and to make it appear as if all prior terms are taken as read, which is very confusing for an objector. And we've asked for a composite of all the changes to be provided and we understand that will be provided in due course it should be helpful. Can we flag up please? In on the shedule one page 39 in the hardcopy paragraph one work number one a, we've suddenly seen the appearance around Christmas time of quote, extension of the existing substation including site establishment earthworks civil and building works. We've tried our best to have a look at the again missing titled

32:44

discombobulating information put in play by aquin to try and find a clear explanation for that with some parameters, some description, even a request to the zoning authority to say please can we do it, and we found nothing other than that sentence and some throwaway line expansionary memoranda. So, on

that basis, we'd like to make the following points and we will reiterate these in more detail in due course.

33:12

Firstly, this appears to us to be a change to the development description by the inclusion of an extension to the lug Dean substation, as far as we understand it.

33:26

And that is currently outside the parameter of the current option B one and two Rochdale envelope boxes inside of which all other structures are designed to be erected. And you will call sir from the Smith case and the court appeal that we've referred to before. If you're using the Rochdale envelope approach, you've got to have clear parameters, quote within which unquote, detail is resolved, set the moment they've got their box, and they've got a proposal for a substation outside the box. So at the moment, there's nothing that connects the two even as a start point. Secondly,

34:09

we put in our previous submissions to the early deadline. The ambiguity in relation to whether or not the planning permission for these extension to the substation on land that we ourselves sold to national grid some years ago had been implemented or not.

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You will recall perhaps from the

34:31

at Queen's EIA planning history that that records in the schedule that that plan ambition has been implemented, whereas

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examining authority member Mr. Mohan I think with his architecture landscape hat on will recall from the EIA landscape plan of what was taking into account in the EIA analysis that the Levine substation extension was not taking into account as subsisting planning.

35:00

permission. So we took that to me that it hadn't been implemented. We were able very recently in the last few days to verify with Winchester city council who you can contact to verify the same that they love the extension substation, if works number one a is referring to that

35:19

no longer benefits from planning permission it having lapsed. So contrary to the applicant's planning history statement, where it asserts as fact that permission has been implemented, when to city council has confirmed it has not in fact, been implemented. So we're in a situation it seems that there is no permission for planning necessary substation to connect the project to the National Grid via it. Now, where does that where does that get the applicant, it gets the applicant in this way?

35:57

We understand from the basic law consistency and planning that we're an applicant to apply for planning permission to Windsor City Council for a further grant of the substation extension, then consistency would indicate that they would get a further grant in due course on application, but that's not the current position before you during the salary examination period of six months, which is about to end. So currently, there is a no Planning Commission world.

36:25

Separately, it's clear that that Planning Commission was EIA development in itself and therefore would require to be subject to EIA. So, what the applicant is, frankly, extraordinarily trying to do is to essentially

36:43

without even asking formerly to amend the authorised development description to include by the backdoor or be it work number one item A, a completely new description necessarily structures inside its decio with only about two or three weeks left examination period to go, which was previously regarded by the local authority as EIA development has not been subject to EIA evaluation inside of the applicant's own EIA.

37:14

And and we're struggling to see how not only they advanced it, but how they can realistically have it in at all. Now, they may say it doesn't matter, who cares. So what? Well, it might as For this reason, it's obviously going to need to extend the Rochdale envelope in order to encompass the structures, it's obviously going to have some sort of parameters, it's obviously going to have to be included inside an evaluation from landscape perspective. Because if you look at the

37:42

EIA for the London substation before, there was an extensive situation, consider their relation to landscape.

37:49

That material obviously had to be put out for consultation. And you remember, it's the central tenet of the EIA regime, that it's not simply in the gift of Napa going to assert is not significant in terms of likely effects. But they have to take into account third party responses before you yourself are able to evaluate that situation.

38:08

Now, just as a matter of timing, it just seems incredible that the applicant is at this late stage, trying to put this in now, because it seems that they're going to be timed out. Now, practically, because obviously you'll be interested in the practical mechanics, it seems in our respectful submissions that you would simply strike through work number one, a.

38:31

And you would recognise that in due course, the applicant or national grid may themselves make an application to winch the City Council for a developer for that extension.

38:44

And in due course, may or may not be granted planning permission, having taken into account the EIA of the decio itself.

38:51

And that's the practical outcome it so it's a matter of timing. Now, of course, although consistency indicates that the

39:00

permission should be granted again, planning permission under Section 70 of the TCPA 1990 or recall is discretionary. So it can't be guaranteed that it will be one would hope but it might be.

39:13

So there is a practical solution. But we respectfully would reject and will forcefully submit in due course, that works Number One should not be included there.

39:23

Lastly, I hope I think we have included the vanguard decio and although Mr. Jarvis poo poos that goodness knows why it's a very helpful example of a very, very recent decio for a wind farm but that also had onshore elements of interconnector cables and a converter station and an electricity substation plugged into national grid so it mirrors the situation before you and importantly the description of developments. The electricity substation extension

40:00

was included in the department description as a discrete component. So we say that that essentially evidence is before you that here they are the applicant seeking to essentially slip in a change of description without even a yet even today on the 17th of every having formally asked to do it.

40:21

So those are all the reasons and there may be a number of others in due course that we can rely on just to strike it out.

40:28

Now, it does feed into the CPO case, because your recall Mr. Roscoe will recall from paragraph 19, that there do need therefore, to be other consents, which may raise impediment to implementation questions which I will not canvas here. Yeah, we'll we'll come back to the other consents later on. Thank you very much for that Mrs. fell out. So I'll probably come back to you in a moment before I. Before I hand over to Mr. Jarvis. I just want to confirm sort of my understanding. I think it was just before Christmas deadline six, when the amendment to the decio is made to separate out work one a about the works to the substation. And that, of course prompted questions by the examiner for tip two to get to see whether they were happy that the works were

41:22

not just referenced correctly, but also had been assessed in the environmental statement. And the results that come back for men get the response that we got, I believe, said that they were happy that everything had been taken into account as to where it needed to be taken into account.

41:40

Mr. Smart having seen that correspondence, does that change any of what you've just sort of told me? No, sir, because that's a different point. That's to deal with where the national grid is happy with the technical specifications for its substation. If you go to at Quinn's development description EIA chapter, you will see Express reference to the electricity substation, and it's not anticipated to be constructed as part of the decio. It's anticipating awaiting being built out by National Grid

42:12

that's playing as a pipe star. That's why if you look at the plans for the fort for the worse plans, you won't see as far as I understand it, any reference to either rocheleau envelope extending East was to encompass that structure, or anything beyond rights to have that structure

42:35

into relating to the project. So I think there may be confusion, sir, between national grid, technical requirements, operational requirements, and we've seen it protecting provision for them and bonding and operators and blah, blah. But that's, that's got, frankly, not very much to do if anything with the Planning Act 2008 scope of development.

42:57

And this shedule one is looking to include as extension of existing substation, blah, blah, blah, works, it looks to us like they're trying to scoop in as development, the structures from the National Grid substation, most likely because, in fact, National Grid recognise their planning mission has lapsed.

43:17

Now, it may be there's been a change of correspondence but but on any of you the manifestation of structures into in three dimensions into a situation where you've got a ratchet envelope outside of the envelope is development that requires to be encapsulated within it. Okay, if we just put that point there, Mr. Jarvis, I understand potentially that your environmental statement team had reassessed the environment to stay on the basis of adding one a but do you have any comments on what you've just heard there, please?

43:49

Yeah, to highlight just that, really, the statement of common ground with National Grid submitted is that line six, which is reps, Nick 051, clearly included a shedule of how confirming how the substation had been assessed properly within the environmental statement, the amendment was made, because national board requested it to be made that there was a clearer description of development. But they've also confirmed that they have no queries with regards to the manner in which has been assessed and

they're happy it has been specifically appendix 3.5. If the success is this mistaken, connection works and privacy statement isn't there, that would be permitted.

44:27

feedback, so sorry.

44:29

And just lastly, with regards to the fact that the station be built by national grid,

44:37

the National Grid bill,

44:44

if I could

44:47

just turn your microphone off, please. Get some paper shuffling in the background. I don't know if that's yourself or not. Mr. Jarvis. Could you just repeat that that last sentence, please? Yes. Just with regards to Mr. zvox comment that it says near

45:00

The National Grid will build the substation that's a reference to the connection agreement that's in place with national grid to build the substation. It's not a reference to the substation being consented outside of the decio. It's very clearly to be consented within the decio. It has been assessed in the environmental statement is adequately described in sheduled. One and no issues arise from that, from the change that was made earlier in late last year, sir, thank you. Thank you very much, Mr. Jarvis. Not wishing to get into a two and a three. But Mr. Schwartz, do you have any further comments on that?

45:32

Yes, to I think

45:35

we will make submissions in due course about the legality of that.

45:40

But separately,

45:43

we have been unable to locate any parameters, which encapsulate that substation.

45:51

I mean, forgive me for having missed it. But if you go to for example, requirement five table w n two, I'm struggling to find any clear parameter that Smith case requires inside of which the

46:08

extension is going to be built. I'm struggling to find any

46:13

description of the structures which are in it, which are inside the face of this decision on the on its terms.

46:23

It may be that the Aqua and have done some sort of evaluation, but it begs the question of what and where

46:33

and and you know, at the end of the day, if it logically if Aqua and are going to have a Rochdale envelope, notional parameter, which is the core evaluative

46:48

box which is being assessed by yourselves, and it contains both converter houses, and it also contains structures, and transformers and so forth, then logically it also will want to include within that overall parameter volume, the substation, but it's been crystal clear from the outset that the sub, the extension of the substation sits outside of that box. I mean, I don't mean to be funny, but it's frankly bleeding obvious. So so you have my submission. So we'll make those in writing in due course. And it's up to the applicant, if they want to apply to you to extend the change event description on the basis they've evaluated it. And also to refine and cure the the the the difference, in fact about whether the claimant has been implemented when it hasn't.

47:41

Okay, just to refer. And last, he said, I wasn't aware that there'd be an invitation to

47:51

respond to consultation on the further evaluation of this aspect, because normally there is going to be changed when EIA it will go out to some form of consultation and we could have responded to it, but we haven't seen anything. And we are serving affected party.

48:10

I fully appreciate the position of that Mr. Shovelling session of your of your clients that in this matter, just in terms of and I know, you've mentioned the Rochdale envelope box. That as I'm aware was a point made in relation to the converter station, not necessarily the works the sub the loving substation, but Mr. Jarvis could Can we just clarify the point in relation to parameters of the extension to the substation if there's anything you wish to add there place? Yes, I mean, the extension consists of outdoor electrical equipment, it's not a building as such, it's not been thought necessary to confirm parameters for outdoor electrical equipment as the same way as one would for buildings. It's essentially works that are carried out within the existing area of the substation on national grids operational land. And the structures that are proposed to be constructed have all been assessed in ies and described and the works that are to be permitted are in accordance with the environmental statement that's been

49:10

carried out in connection with it, and nothing outside of that will be permitted.

49:15

So I think that sort of addresses the point really, everything's been assessed as it needed to be, the description of the development is clear. And that's what will be permitted in the area for work number one. And then just a final thought I would just like to clarify and I do appreciate the point made by Mr. Smart with regards to further environments and information and the need for that to be consulted on there was no further environmental information relation to this. It was a confirmation of how the already submitted information had already assessed the change to the description and evidence wasn't environmental information to be submitted. Thank you.

49:50

Thank you very much. I've seen the last point then to make

49:57

the last point the point come back in relation to Mr.

50:00

Jarvis is this.

50:02

The the plan out 2008 uses the same meaning of development as the TCPA 1990. And if you go back into section 336 of that 1990 provision, you will see the buildings include structures, and that it's only we've got plant equipment inside a building that it stops being a structure or a building. So it's no answer with respect to Mr. Jarvis to say, Oh, it's just equipment, it qualifies as a structure, and therefore requires to be subject to parameters. Now, what he's basically saying is they put the cart before the horse and they've assessed something which they don't even know what it looks like neither the user and the Smith case is crystal clear. If you're going to use the Rochdale envelope approach, you have to have clear parameters, quote within which

50:51

the development is going to be constructed notional parameters, there are simply no notional parameters for

51:00

work. Number one, a none at all. So it may be an evaluated, but there's a logically prior question, what has been evaluated? So we don't need to make any more than that, sir. We'll put it into submissions, then it's a matter of few Mr. Roscoe and so forth to consider. Thank you. Thank you very much. We'll expect that in writing. Mr. Jarvis, I assume you've got nothing further to add you. Just two points, actually. One is that obviously I'm aware that structures are development, and that's why we're seeking development consent for them. Secondly, the point with regards to the Rochdale envelope is an E I assess approach. We have assessed the substation connection action works. From an AI perspective,

we have confirmed how the EIA assessment is appropriate to assess them. There's no need to secure a parameter through the requirements to confirm they're in accordance with that, because they're already required to be in accordance with the A with the AIA. So it's already dealt with. There's no issue that arises.

52:01

Thank you. Thank you very much, Mr. Jarvis. Mr. Scott, I see your hand is still raised. If you could, yes, sir. I'm so sorry. I was just going to conclude with with what I understand that to be confirmation by the applicant that there's no parameter for works one. Number one a thank you.

52:17

Okay, I think I've heard all I need to on that. I think if it can be put in writing for deadline a from both parties, that would be much appreciated. There's any other party here wish to raise anything regarding shedule? One, the authorised development.

52:36

Mr. smarter see your hand is raised again. Yes. The The second point is essentially the point where we're going to agree like Portsmouth and other authorities with the applicant in relation to development in the field of commercial telecommunications. So necessarily, that would remove on our submissions, works. Number two, you the telecommunications buildings. We've also made submissions in relation to the access road being temporary, and so forth. But we'll put these into a track change version. So to show you what they will be.

53:10

Thank you. I think the positions of the parties are well known now on this matter. So if we, if we could just take those in writing from here on and let's not mention them again, in the rest of the agenda. I think that we know where we're coming from and that Does anyone else have any views on sheduled? One the authorised development.

53:31

Okay, nothing heard. Moving on then to agenda item five, which is sheduled to the requirements. We've got a few questions coming up here.

53:42

We'll start this section and then we'll take a break shortly. But let's start. First question is in relation to design and access statement, appearing that each of the local authorities has had the chance to input into the design process of the converter station? And what certainty if any, the local authorities have these views are incorporated into the final design?

54:06

Suppose this is most applicable to both the South downs National Park Authority and Winchester. Let's start with southdowns. Please.

54:18

Thank you, sir. It's my cues from the south downs National Park Authority. As we will discuss tomorrow we are concerned about the you know the scale of the buildings conversation buildings proposed but without prejudice. To that point. We are generally content with the design principles that have been put forward by the applicant. We've made one suggested change in our deadlines seven c submission in terms of the second part of the question, differences between authorities.

54:53

We are aware that for the discharge of requirements six and seven related

55:00

to detail design landscaping, that will be Winchester City Council's responsibility in consultation with us. And we are content with that position as Winchester, our local planning authority, as you will hear tomorrow. I think that we are I believe that we're very aligned with Winchester City Council. But even if they were to take a different view, we respect that they are the local planning authority. And we would say that that that position is no different to a planning application that's dealt with outside of the nationally significant infrastructure proposal process. So we are broadly content on these points. Thank you, sir.

55:38

Thank you very much, Mr. Hughes. Much appreciated. Presumably, such views are also echoed by yourself Mr. Cornwell on behalf of Winchester?

55:48

Yes, they are. Thank you very much, sir.

55:52

Thank you very much.

55:54

The any of the other local authorities wish to raise a point on this particular question in relation to design.

56:01

Mr. Holmes, I see your hand is raised.

56:05

Yes, just simply to echo those views, nothing to add as such, but to support those comments. Excellent. Thank you very much. Any other authority?

56:18

Nothing heard Mr. Jarvis, presumably? All good from your perspective. Yes, thank you, sir. Excellent. Thank you very much. I have no further questions on that. So we'll move forward to the proposed changes, and Winchester City Council's raised on requirements 234 678-910-1516 2224 and 27, as listed on the agenda.

56:48

Mr. Jarvis, would you like to respond to those first, mining perhaps focusing just on those that are in dispute?

57:00

Yes, that's fine. And

57:06

so in respect of requirement to Winchester city council requested a new paragraph for requiring compromise to when the authorised developments been commenced. And as I've explained earlier, today, you have to consider the term operational period of sufficient confirming once commissioning has occurred, it's agreeable to add that on commissioning, the applicant is however agreeable to paragraph four being added to requirement to along the lines of what winter City Council have set out and that will be included in the updates to be made at line eight

57:39

Winchester city council then

57:42

in relation to requirement three,

57:46

we're asking for confirmation of the sequence in which the works will progress to be confirmed as part of the phasing. And our response to that set out that that's not really the purpose of requirement three, the purpose of requirement three is to allow the works to be essentially split into separate parts, so that they can then be discharged in a more manageable manner. I think this is probably a point that Hampshire County Council would probably like to talk to as well.

58:16

Just in that respect, so I don't know whether you'd like to given their various parties commenting on the same requirements, whether you'd like to take it requirement by requirement or whether you'd like me to go through each party individually and respond to their comments in relation to each of the requirements.

58:31

I would say if we hear from yourself in full, first, the disputes are and then we can go canvass the other parties afterwards. Thank you, mine. So it's not agreed that the phasing should detail the sequencing for the reasons I've set out, which is what that's not the purpose of the requirement. And there were comments on requirement for I think ourselves and Winchester city council are happy that that's been addressed as far as the certain compound has been confirmed. So there's no issue with regards to needing to concern that any further.

58:59

In relation to requirements six, I believe there's still a residual query around foundation design. From Winchester City Council, I had responded to confirm how pilings COVID and how I thought that addressed the issue.

59:12

I recall from seeing Mr. kormos missions that deadline set and see that that's not agreed with at the moment. So I will just look to address that with Mr. Kumar directly to make sure that he is happy that that has been addressed. And there's no issue with including what's necessary. It's just trying to include what's necessary and not things that are superfluous. And so that's okay, with regards to requirements seven, eight and nine.

59:35

There's quite a few. I mean, there's a general disagreement with regards to the structure of those requirements and how they work. And I've set out in my written submissions, which was submitted at deadline seven, see how they are appropriate and why they are appropriate and why they don't need to be amended. We've also responded to this previously to outline the requirements in other made decio such as the tracks repower decio

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These aligned with and how they were appropriate Aaron are appropriate here. And we're not amenable to any sort of wholesale changes to these requirements, we don't think it's necessary. And furthermore, we're pretty content that the requirements themselves are very detailed have been given very sort of careful thought, and are appropriately formulated in that respect.

1:00:20

With regards to requirement 10 and forgive me if I'm wrong, because I'm trying to sort of keep up with discussions as they happen a little bit. And I think Winchester city council does not accept that HCC is the best authority to deal with the submission of highway access and details. And just on titled why that's the case given I think Winchester is concerned is more around hedgerows and impacts on Hydros when they're installed in that Winchester city council would be approving the agricultural method statements that relate to their removal where they relate to be well, heteros that are within WC they're not on Hampshire highways, where they're on Hampshire highways is Hampshire that approve that. And that's really for Hampshire to deal with.

1:01:04

So I would submit that the Highway Authority is the appropriate sort of entity to be dealing with approving details of highway accesses, which is principally a safety focused exercise more than anything else.

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And with regards to requirement 15, there have been various comments in relation to cmps from Winchester City Council, again, the applicants view is that CMP requirement 15 has been very carefully thought through it has gone through various iterations to more clearly tore out the plans that need to be

submitted pursuant to that so that it's clear on the face of the requirements required. It's not intended that further amendments are made to that it's already considered to be clear in a

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requirement 16 comments on that we dealt with because it was just with regards to whether operational period which was defined, which we all know it was. And with regards to requirement 22, my comments made sort of that deadline 17 provided to Winchester City Council in advance did set out how this could apply to phases, and how it would apply to phases in terms of the timescales for restoration. I think that might address the comment of Portsmouth city council with regards to this requirement, but we can come to that in due course. But any event that that's the applicants proposed approach. I am conscious that I think Mr. Cuomo has commented that he it wasn't completely understood how those amendments were effective. And I know obviously look to address that with Mr. Cuomo direct to confirm that he is happy with the amendments that are made. And the comments in relation to requirement 24 are noted. They're not agreed with ultimately, it's for the undertaker of nationally significant infrastructure to determine whether or not it's not operational anymore. We're not going to be subject to some tests that set out by Winchester city council over how many years it's not been operable for us to determine whether or not it's

1:02:54

time for it to be decommissioned. That's simply not the appropriate approach to take with a nationally significant electrical infrastructure.

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And then with regard to requirement 27. It was more that I think Portsmouth city accepting the same kind of noted that this is included and include any specific comments on it. I'll happily listen to comments today. And I think from memory,

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Winchester city council may have provided sort of additional wording on this deadline seven C which I will look at, and haven't had the opportunity to do so to date.

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And that's about it. I think that's gone through.

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Thank you very much, Mr. Jarvis. And conscious of course, that deadlines seven C has only just passed a lot of information in our minds and can just said the examiner is very grateful for conversations taking place outside of the hearing to move these matters forward.

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With that in mind, I'll come to Winchester city council first since the reference in the question. Mr. Cornwell obviously, there's a lot of information there a lot that you may not have time to digest. Is there anything that you wish to come back on at this time in relation to any of those proposed amendment to requirements?

1:04:11

Thank you, sir.

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I'll try and focus on those requirements where there still seems to be some distance between us rather than simply resolving them outside a meeting. requirement three, I noted Mr. Jarvis said this wasn't the right place for

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an outline of the sequencing.

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But on the basis he didn't then offer were an appropriate place within the requirements would be. I'm assuming he's objecting to it in principle, rather than simply saying it shouldn't be in our three it should be in another

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So do you want me to stop there and give him the opportunity to respond? Yes, let's do that. Mr. Jarvis.

1:05:09

Thank you. I'm just it's one of those things where if you're building a conversation, it naturally occurs in the sequence in which it needs to occur. And I'm just not entirely sure what the benefit of confirming the sequencing would be, and therefore, why it's necessary to include this in the requirements.

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Thank you. Mr. Cornwell.

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Thank you, sir. Hi. I noted I think it was we'll we all seem to be caught in to say thumbs until in the pipeline regularly. And there was a specific reference in

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two phases and stages. And that's the same

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indication that we're seeking here because obviously, it isn't just the building. We've got these sections of cabling, which are both crossing country and along sections of the highway. So clearly, there is an advantage in knowing which sections are going to be worked on at a particular time and in what, in what order they're going to be taken.

1:06:10

Okay. Mr. Jarvis, is that sank? You'll look into for deadline eight or?

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No, it's something I need to look into, particularly the use of stages and whether I think it's appropriate in connection with the conversation or not.

1:06:26

Yes, I'll have it further. Thank you, sir. Thank you very much, Mr. Conwell. Please continue. Thank you. So with regards to requirements six, we were obviously proposing some subheadings to the individual categories. I'm sure we can have a discussion on

1:06:44

the difference between foundation and piling. There was one element that I think Mr. Jarvis overlooked, which was the proposal to add in a requirement that no additional lighting

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was installed beyond that which was approved.

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And I think I hadn't to be honest with you understood Mr. Jarvis's logic of saying, Well, we've approved a scheme, therefore no other lighting would be installed. We were proposing that there was an additional point 10 in that list that said, no additional lighting, or lightning mass shall be installed within work number two, beyond those approved under six brackets, one brackets, Jerry.

1:07:38

Okay. Thank you for that, Mr. Jarvis.

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I think the point I made a response is that it's simply not necessary to include it because unless it's approved pursuant to six, one j can't build it pursuant to this decio.

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I therefore just consider it to be a superfluous addition.

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Just to come well, would you agree or disagree with that? I disagree actually served that.

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We've obviously been working

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in recognition of the dark skies concerns in this area. And clearly there is a proposal that none of the lights would be triggered unless there's an emergency or some some requirement for maintenance work. But I was anticipating what might the reaction be if someone installed bulkhead lights along the side of the building? There would be a question whether that was actually developments. And therefore, whether they could then be controlled by the

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restriction on the way the lighting is used.

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Is that therefore just forgive my

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need for clarity, but is that saying that there could be permitted development lighting going on the building that's beyond the control of the DC? Oh,

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well, I'm thinking obviously those circular bulkhead lights, so and therefore there would be a question whether it was even development in the first instance.

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Okay. Okay. Mr. Jarvis. Any, any thoughts on that?

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I can understand the point being made. And I'll give it some thought. Because I think I understand it a bit more clearly now. So I'll look to discuss that further with Mr. Cornwell.

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Okay, thank you very much, Mr. kuhmo. And any other points on this question requirements.

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So we, as I think Mr. Jarvis indicated, we've made substantial comments on requirements Seven, eight, and nine

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as the authority that would be largely involved in

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working with the applicant, on dealing with those requirements and

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with their implementation

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We have struggled to come to terms with the way that the the actions are divided up between them. Obviously, requirement eight is an implementation

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requirement. But even that, on the basis is referencing back to requirement seven

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raises questions because the camp

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is itself talking about doing undertaking planting.

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But then there doesn't seem to be a protection, then if that planting fails within the five year period that other planning is protected.

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So that was just one example of some potentially inadvertent cross referencing between the outline landscape biodiversity strategy, the camp and these requirements, which may have not been revisited as matters have progressed,

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our skeletal framework we thought was a was a positive way forward, that provided a very simple, understandable way of dividing as it were the actions that would be required.

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And I would hope that the applicant could look at that, again, even at this late stage with a view to recognising that

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that may be a more appropriate way to follow. I think at the end of the day, we do have to remember, it's not just for, should we say the professionals to consider what these requirements are doing. It's for other parties involved in this process, who may not be as familiar with trying to find their way around requirements,

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as we might be to also understand what's covered by which particular requirement. Thank you. Thank you, Mr. Jarvis. Presumably, you would say that the different control documents are, are well secured and sort of bound rise to such but is there anything further you wish to add?

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No, particularly, and I'll consider whether or not there's any further response needed, having listened to the comments raised but I don't think we're in a position where we're looking to make wholesale amendments to the structure of these requirements, particularly bearing in mind that they do follow the structure of similar requirements into the made DCs. And I do acknowledge the point made by Mr. Coleman around planting, and that being addressed through a CMP and potentially not being subject to a five year aftercare period. And I will just look to confirm that where there is planting that needs to be subject to a five year aftercare period that is secured through the requirements of the DCA.

1:12:49

Thank you very much for that. Mr. Cornwell. Any, any final points perhaps on these? These proposed changes? Thank you. So I'm glad Mr. Jarvis indicated, he will look at these I think in terms of that last point about implementation, simply removing the requirement, the reference in requirement eight, two requirements seven would make it a general implementation requirement and not tie it back to one other requirement. The one point I would ask Mr. Jarvis to bear in mind is I we all draw comfort on looking at other examples that have come before us.

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This scheme is quite complicated in the number of elements involved, and the fact that we will have this landscaping that's going on into the future that needs obviously, monitoring and subsequent adjustments to the monitoring plan

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for the life of the building, so the the Drax repower scheme that I think was quoted,

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would I suggest to be in a much more simpler insert to deal with than the one we're looking at in this instance?

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Thank you.

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Thank you very much.

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I think and less even if you disagree on this, I think I'm quite content for you to to meet again outside of the hearing and go through the the finer points on these requirements is that I both contend with that. Yes, thank you. Yes, sir. Thank you. Okay. Thank you very much. I'll now just go to the other local authorities on this who have obviously proposed changes or amendments to the requirements. I'll start off with Hampshire County Council if I may. Mr. Turney.

1:14:45

Thank you, Sir Richard. Tony, for Hampshire County Council. We have proposed a series of changes to the requirements and you have a note of those which was filed at deadline seven C

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in respect of requirement three

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We have requested the approval of a phasing plan and not just its submission. So there's control over the way in which the developments phase to some extent we've touched on that already.

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in respect of requirement six, we had a number of points of detail.

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Essentially, what we are seeking, and we've set out this in our written representations. But what we're seeking is a list of additional information that will be provided for detailed approval,

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including the detailed design of joint bays at the location to which in which they're going to be located. And that it should include we say submission to an approval of the relevant Highway Authority, where highway detailed design approval is engaged. So we've set out that in further detail. And I've written representations and awaiting a response. And then, if I just touch briefly on

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requirement 10, which Mr. Cornwell addressed as well.

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We're essentially content either way as to whether requirement 10, which is concerned with the approval of highway accesses, is an approval by the planning authority, in consultation with the Highway Authority, or vice versa. We're concerned with Mr. Cornell's proposal, in respect of that, although we don't object to the way in which it's drafted, as it stands. And I think the next point is, irrespective requirement 15.

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And that is

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the consultation on the construction and environmental management plan the camp. As it stands, there's no requirement for consultation on that document with the Highway Authority, despite the fact that the terms of the camp are likely to have significant effects or be highly material to the highways impacts. So we request a provision inserted there to ensure that there's consultation with the Highway Authority prior to approval of that document. And requirement 17, then, is in respective the

1:17:29

ctmp.

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We've already identified a problem here, which impasse has been addressed through a change, to note the interest of highways England, the difficulty here is that highways England is a Highway Authority. And it's slightly unclear as to

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who is going to be approving, and who is going to be consulted upon the ctmp. And we say it's inappropriate for the county council to be deed or authority, which determines matters relating to the

ctmp so far as they affect the highways in the network. So that's the outstanding concern that hasn't been addressed through the insertion of reference to

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the

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approval consultation with highways England.

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So just moving on, I know we're pressed for time, but

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construction hours,

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we have

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made the point

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on numerous occasions, that we say it's necessary to ensure that out of hours working, can be carried out under the

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DCA, where that's necessary to avoid traffic impacts or to mitigate those traffic impacts. And we've suggested that that should be provided for through we're out of hours working is required under the permit that's granted by the Highway Authority, and if necessary, in consultation with the Environmental Health Officers of the relevant planning authorities. So that's the approach we propose to outsiders working. I can say more about that if we need to. But I think I think it's probably speaks for itself that clearly, there is an interest in ensuring that works to the highway and particularly the track, in particular the traffic sensitive highway are carried out as effectively and efficiently as possible. And that may involve stepping beyond the hours there's a set out in this requirement, where necessary to complete works, for instance, say on a Friday evening to ensure that everything's removed for the weekend. And so that's 18 then

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requirement

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21

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is the travel plan requirement at the moment that is provided for, by for approval by the relevant planning authority. And we say that's a matter for the Highway Authority rather than for the planning authority to approve, so it should be an approval by the relevant Highway Authority.

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And then

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finally, I think it's finally, requirement 25,

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which is

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concerned with the traffic management strategy. We are seeking an amendment to provide for the submission and approval of detail in relation to the overarching strategies before the commencement of work number four, and those strategies include the assessments in relation to access to properties and car parking communication strategy and the signage strategy, which particular importance and the traffic demand management strategy. So we want those details to be approved through an amendment to requirement 25. One.

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So that's the requirements that we've identified in our most recent representation, we still seek also an additional requirement, which is to limit the number of work gangs or work or gangs on any phase of the authorised development at any given time to six, which I think reflected what was put forward by the applicant.

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So those are our points taken very briefly set out in more detail in our written submissions.

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Thank you very much, Mr. Attorney.

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Now, Mr. Jarvis, I'm aware that some of those numbers are new that you've not already commented on.

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earlier.

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I'm content to hear many of the highway matters sort of joint Bay's the hgvs. And day lane and the new requirements perhaps even later in this agenda, or actually, in tomorrow's issue specific hearing where there's a highways and transport section.

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Were there any specific comments, Mr. Jarvis that you wanted to raise on what we've just heard from Mr. Turney?

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Just one query, which is with regards to the comments in respect of requirement 15, which is the construction environment management plan.

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And I would just like to understand if the request is that Hampshire County Council have to be consulted on all elements of cmps?

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And if so, why they think that's necessary.

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Okay, Mr. Attorney returning to you. Now, I think probably not all elements. But certainly there are some matters which clearly have an impact. There are, for example, arboricultural matters, which are a concern to the authority and any works, which are going to be on highway land. So obviously, if joint bays, for instance, are in the highway, the terms of the CMP and respect to those joint bays is going to be highly relevant to the Highway Authority. So we can try to pull those out. Although it may be that it is easier for Mr. Jarvis just to provide for the CMP to be subject to consultation with the Highway Authority.

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Thank you very much, Mr. Jarvis. Has that clarified the position for you?

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Yes, it has I think agricultural method statements can be confirmed that it's in consultation, rather, with the Highway Authority where it's a highway authorities tree.

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And then those who comment on works in the highway, I would assume Mr. Attorney would be happy that I'd make a reference that if there are works on the public highway included in that phase then that CMP is consulted on with the Highway Authority rather than trying to pull out individual elements, which I think would be a laborious and probably not such a useful task. Okay, thank you very much, Mr. Attorney, average Attorney for the Hampshire that's that sounds like a sensible approach. Thank you. Thank you very much. Miss Cahoon and I'll come to you now for Portsmouth City Council. Are there any new or not previously sort of discussed points that you wish to raise on the requirements?

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No, sir. And again, obviously I'd refer back to as oh six one

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but we would say that

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Just as a consequence of any discussions that Navy had between at Quintin Winchester and Hampshire, it would be very helpful because obviously there are some points that have been raised and that that

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that Portsmouth would would like to understand and indeed add to in order to give the view. So it's, I think we could be helpful. It's not a question of just inserting our fingers and going, we wouldn't want to be part of this. It's just that I think it would be sensible if we could be part of those discussions. So and, and just to note that, as Mr. Jarvis explained, there are a certain number of responses in

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at Quinns seven deadlines, seven CD response, which I'm afraid we've not had opportunity yet to reflect on. So

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I would kind of reserve opposition on those, but I don't want to take up time. Thank you very much. Thank you for that.

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Mr. Cornwell. I see your hand is raised. Is there any further point you wish to raise on this?

1:26:04

Yes, thank you, sir. I'd actually only got halfway through my list. Apologies. That's that's quite all right. But obviously, I welcome Mr. Tony's observation that he would be happy if the rules as it were, were flipped in requirement 10. So I won't dwell on that.

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Obviously, there are a number of the requirements that will have to go away and discuss with the applicant. But I think it's worth just commenting on the decommissioning requirement, which is number 24. Because there does seem to be a fundamental disagreement as to what would be the trigger

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for such decommissioning to be required. And at the moment, the requirement simply states that it would be for the undertaker to decide the time for decommissioning, whereas the authority thinks there needs to be a much clearer, more defined trigger point. And that was our attempt by identifying when the converter station ceased to transmit power, import or export on a commercial basis.

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Okay. And, Mr. Jarvis, appreciate you've already comment on this degree that you don't believe it necessarily. It's up to the undertaker to decide in terms of an actual trigger point. Do you have any views on that?

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nothing further. So I think the trigger point should be when the undertaker decides it's no longer operational needs to be decommissioned. Thank you, sir. Thank you, friend, the parties have probably

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taken a position on that. Mr. Cornwell. Would you like to continue? Well, if I just might go back to an observation. So the abigale power gasified generating station order does specifically cover decommissioning requirement that does relate to the cessation of generation on a commercial basis. So we were obviously looking to follow on from that precedent. Okay, that, that points understood.

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And we'll get the views on that that deadline, I have no doubt. I mean, is there anything further you wish to add on this question? So I think it's question of leaving the detail more detail up to the discussions we will have with with the applicant, I will wait until item 5.8 to raise what are the completely new requirements that we've also referred to thank you, of course, thank you very much. If you could lower your hand, Mr. Kumar. That'd be appreciated.

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I noticed that Mr. Your hand is raised before I come to you. There's any of the other local authorities or any of the interested parties wish to raise anything on this question.

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Mr. Holmes, I see your hand is raised.

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Yep. JOHN Holmes, East Hampshire. I'm just the query which was touched on briefly this morning by the National Park with respective

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requirements six and the removal of reference to vehicular access being a detail to be approved by the

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local planning authority.

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I heard Mr. Jarvis mentioned I think more in respect of requirement 10.

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But I just wanted some clarification on the rationale for the removal of vehicle access because I heard him say that is is primarily a highway

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Safety matter for the county.

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But from my perspective, this is still a landscape issue that the planning authority should have. Review of.

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Thank you very much for that. Mr. Jarvis. Any thoughts in response?

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Now just need to go back and check my notes. But I wasn't saying that

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the approval of the conversation access to action was part of requirement 10. And it was required 10 I was referring to as being more in respective safety requirements.

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But I note the comments made, I'll just have to give some further thought to how that's dealt with. That's okay. So thank you very much, Mr. Jarvis. And thank you, Mr. Holmes, for that. Mr. Attorney. Your hand is raised.

1:30:51

Yes, yes. Originally for Hampshire County Council. I just wanted to emphasise since it's been Canvas, the question of outflows working again. And it's really to emphasise that this would be the only place or the only development in on the road network where the highways authority would not be able to direct outs if I was working.

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in Hampshire, though, it would be the only incident only be adequate works where we couldn't say workouts powers, all other works, we were able to direct that. So that that's a general point. It may be that that's point we can revisit tomorrow in the highlight session, because I love some time.

1:31:32

And yes, indeed, I would like to revisit that tomorrow and the highways section if I if I may. Okay, everyone has had the opportunity, Mr. Safar, to see your hand is raised on the requirements in this question. Yes, thank you. Just very briefly to summarise, we're agenda item five, two, and we're just picking up Winchester Council's coverage of set requirements survey as they engage us. You recall earlier that we referred to protective provisions interfacing with article 13 access. So to

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the requirements 22 restoration of land use temporarily for construction, and decommissioning requirement 24. touch on interface with the carpenters situation as well. So rather than try and disrupt these requirements, we've sought to accommodate the within a protective provision, because that seems to us more sensible. So what we've tried to do in in that particular provision is accommodate a restoration provision, post construction, post use of the land for construction activity. And then similarly,

we need to update the protective provisions to accommodate decommissioning so that in due course, where the converted station be removed, and so forth, the land can be restored to the chronologically prior agricultural quality that the applicants land plans identify the land to be in advance with being handed or offered back to my clients. Thank you, sir.

1:33:06

I know just your note, Sir, could I just refer you to paragraph eight of the Central States CPO guidance, where it's the applicants obliged, obviously, to demonstrate to your satisfaction, second state that, quote, all reasonable alternatives have been explored, and also demonstrate the interference the rights is both legitimate, necessary proportionate. So what we're trying to do in the absence of any engagement with us, practically by upwind, is provide protective provisions, which satisfy that and and so forth. So again, this is just how we interface Thank you, sir. course. I think we'll come on to the protective provisions proposed at item 16 on the agenda, so have more chance to air those views, then. Mr. Jarvis? Is there anything wants to come back on here? Or do you want to wait until item 16? Happy to wait until item 16. Thank you, sir. Okay, thank you very much. Well, thank you all for your contributions on that. My work has been going a good hour and a half since lunch. So in lieu of a break, it's 25. Past free, I propose that we will have a 10 minute break. But before we go to that,

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we're having these regular breaks due to screen fatigue, we've still got a long way to go on the agenda.

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It is in everyone's interest that we try and finish today. So we will endeavour to do so. It may involve sitting beyond the traditional clothes of hearings of 5pm. So make allowances for that as an as you will. If we have a 10 minute break now and resume at 1535 25 to four thank you very much