

TRANSCRIPT_YORKSHIREGREEN_ISH_SESSION2_23.03.23_1

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Welcome back, everybody, the time is 1205. And this hearing is resumed, I just check with the case team that we've got the live stream and recording back up and running.

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Today, taking a short pause while we check that

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all confirmed and we can see Mr. Jones has joined us again, thanks for everybody for returning.

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We're moving on now to articles of the draft development consent order. And that's item 4.2 of our agenda. What I'm going to suggest here is the conventional approach, you're just going through the DCO in order and picking up any matters as we go through. And there's things we've we've flagged in our in our agenda that we would like to pick up a couple of them, I'm going to suggest we push to writing because we don't have many of the council's present, particularly those who will

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feel lonely over on that.

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And I'm conscious that York, obviously you have linear works within your administrative area, but not any of the nonlinear works, which means that we may need to just put those items to writing. But anyway.

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So we're starting then with Article Two. And

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in here, we've asked about the

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so this is it. The definitions of the terms used in the in the draft development consent order.

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We've listed there the adequacy of definitions, I suppose the first one to come to then is about the environmental statement.

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This links to the matters that we'll be raising under Article 48, which is the documents to be certified and we won't get into that here. I just wanted to

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check how the applicant plans to deal with any material that will be submitted into the examination is additional environmental information. So where the ES needs to be appended, supplemented by a defender. The definition of currently in the DCO just talks about these submitted environmental statements, I just wondered whether you can make a comment about whether there needs to be any change to that definition

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of reg attorney for the applicant, yes, on that point, we will update the definition to include a defender

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or maybe Addendum and irata. Okay, thank you.

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It may be that we might revisit this when we come back to article 48 In terms of other options for for, for basically securing what the environmental statement has assessed.

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The next one on our list is maintain maintain the definition of maintain Another common question of examining authorities I know

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so here we have a definition that's relatively broad and so, it includes a wide range of powers or maintenance activities such as inspecting, repair, adjust, alter, dismantle remove clear refurbish retention paint and so on so forth.

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The explanatory memorandum states that this has precedent in the which brought connection order, but that definition is not so broad.

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In particular in relation to things like removing reconstructing and replacing I suppose I'm just after

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a little bit more justification as to why that that those broad powers are sought under the definition of maintenance please.

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Richard tourney for the applicant. So

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first of all, we accept that the definition does in certain respects go further than rich brah and other overhead line DCA owes the the words the additional words I think are dismantled clear refurbish retention, paint surface treat, decommission, improve, and then the words in respect of using robots, drones, gadgets, etc. So that's the sort of updating

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provision in respect of robots, drones and gadgets. And

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clearly, those are used for those purposes. So the inclusion of

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in the definition of matters, such as dismantling, and Decommission and improve, which I think are probably the ones that would be most of concern, retention, painting and surface treating, probably falls more within the natural definition maintain anyway. I think also, it's pretty clear from those words, what would be entailed in those areas things like improve. It could, I mean, I said that's less precise in terms of what an improvement might be allowed to be. Yeah. So if I just pick up some of them and I

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I'll just give a few examples, if I may.

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So during the life of a project such as this, and we've indicated in the ies that

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that one would expect the a project like this to remain

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in place for 80 years or more, so it's a long lifespan. And it's not a time limited development consent order. So we're not asking for a temporary development consent, it's permanent consent. But during those periods, we've identified in the EAS that there will be a need to carry out certain works,

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which would include the replacement of inductors. So we conduct training, I think we've said every 20 to 30 years might be required depending on the components involved. Also, obviously, the focus is in the scheme that is often on the linear components, but there's also the equipment at substations and cables ceiling and compounds and so on, which may require

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replacement during the lifetime. So,

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the provision to allow dismantling and removal and then the improvement of the project

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in terms of providing updated equipment.

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The

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return on that and that again and refurbishment is is similar removal

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could be the removal of dismantle door worn or unsafe components.

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Which includes, for example, dismantling pylons if they needed to be repaired, or dismantling elements of substations.

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And then reconstruction, for example, might include stripping down substation equipment, and then rebuilding it, which might be required for long term maintenance. An example that was given to me was, for example, noise enclosures on transformers may need to be replaced over time.

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In terms of decommissioning that would

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include Well, it would comprise taking out of operation,

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some part of the authorized development, and that may be necessary.

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Depending on the component concern, for example, to take account of updated technology, or because part of the scheme that's being authorized by the DCA is no longer required. The point I would make about decommissioning is that there is a control over decommissioning, which I think we'll come on to in the requirements. So I won't go into the details now, but just to flag the control. So we do say that these this definition is, whilst it's broader than the rich Brenda DT Hinkley Point C. overhead line DCA shows that it is an appropriate power to maintain.

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There are restrictions on on what we can do by way of maintenance in any event. So

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for example, I've already referred to the elements in respect of decommissioning and the control over that. And also, the maintenance, access rights and so on are preserved. But they're not the same as the access rights in respect of the construction of the project. So there are restrictions on the way in which the maintenance can be carried out.

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And

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in the ies, we have assessed maintenance activities,

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and identified where those activities might be considered relevant to the assessment provided.

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So, for example, in respect to biodiversity we've identified in the assessment, future maintenance activities and how those effects might play out.

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So, in short, we, we think it's an appropriate was broad, it's an appropriate definition of maintain.

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But if there are specific concerns about words that and we're happy to take those away and either provide further written justification or reconsider the drafting. Thank you. I think a couple of points to pick up from what you've said that

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I think improve is one that does feel if it wasn't there, does it? Is there anything that that stops you from doing? I think that's the question so I think improve is one that feels I'm not sure it's sufficiently precise. And I'm not sure that you've got anything to lose in su tell me otherwise. There's a

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think that there are things to be lost by not including improving their I appreciate the the

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reason for wanting to be able to constantly improve as innovation allows you to change technology or update it. I don't know if you have any comments on improve,

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or something like that spoof our National Grid. Yeah, so improve.

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That's an example of that is in relation to the foundation works. So as a part of the first development, we're looking to reconnect to the axiom of redline as a part of that we're needing to strengthen and improve the existing foundations to accommodate the new conductor system. So any roof conductor and are refurbished, and in the future, there may be a need to improve the foundations on the existing towers. So that was one of the reasons that that is included maintain. Okay, that's helpful. Thank you. And I'm conscious that there are differences between the schemes, the scheme for us and the ones that we've referred to as in terms of the amount of

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we're conducting a work through existing lines of law, that line is retained wherever that means was more the construction of new line.

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decommissioning, you've referred to the controls in requirements 16. I think I understand. I'm starting to understand now the difference between because basically requirements 16 deals with decommissioning. So why does the definition of maintenance need to also consider decommissioning? And I think from what you've just said that that's possibly to do with decommissioning parts or components of the of the scheme rather than decommissioning that project as a whole? Is that Is that a correct understanding? Bridge attorney for the African? Well, yes, it

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in effect, both both cover both. So there'll be elements of

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decommissioning, there may be a need to decommission an element of the scheme, which might range from a relatively small part of the scheme, something more substantial. So for a section of line for, for instance, or maybe a component and a substation.

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And the requirement

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for the submission of a decommissioning plan also extends to partial decommissioning says includes part of Yeah, but really, it's the it's the power to maintain is to include the power to decommission. And it's really that that definition provides the

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the lead leads to us being empowered to decommission.

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But not required to do so. But the check on that we say is the requirement.

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That makes sense. Thank you.

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You mentioned also the addition of the reference to use of robots, drones and similar devices, I think that's understood, it would just be useful to understand the extent to which those types of devices are already being used in the sort of maintenance work that's being proposed here, or what the prospects are for their use, and the timescales of the proposed development. Thank you. The following Astro grid, the use of drones is becoming more apparent now on inspections of overhead line. So with technology evolving, and the ways that the cameras can now detect defaults on conductors.

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And without having to put people on the ground, it's a lot more common to use drones. And moving forward, there is kind of ways equipment that

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equipment that can be put on the conductor that could travel on the conductor tab or look at kind of any defects on it as well. So this is really to capture the technologies involved in the way that we maintain and inspect the overhead lines in the future will change as their technology evolves.

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That's a helpful explanation. Thank you.

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Final point on maintains just about weather, the weather the you think that the definition covers all of the activities that are required under landscape maintenance, say for example, watering, pruning, fertilizing, are you content that the definition provides for all of those sorts of activities?

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Average attorney for the applicant? I think we were.

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But can we take that point away so that we can discuss it with the relevant people to ensure that their content obviously the

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there is there is management in respect of landscaping, we're going to come on to that, I think when we look at requirements, but let's just say that way on maintain, thank you.

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So I'm going to move on then. And the next thing that we listed was the definition of NP G.

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Now this came up yesterday in our preliminary meeting when we were discussing statements of common ground in terms of the definition of NP G which is currently in there is northern power grid, northeast PLC, the registered company we raised yesterday that there's also the northern power grid,

Yorkshire PLC, and that both companies have an interest in the land for this project. So they're both recorders in the book of reference. And indeed, We

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had a relevant rep from the Yorkshire PLC. So, Mr. Turney, you're going to see what you could find out overnight. You have an update, please. Bridge attorney for the applicant? Yes. So the order limits cross assets owned by both of those PLCs northern power grid northeast PLC and northern power grid, Yorkshire PLC. So the northern part of the scheme is in the northeast area of that DNO district operator and the southern part in the Yorkshire area.

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So

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in essence, there's there's been a bit of a misunderstanding about that. It requires some correction for the DCO. Because obviously, we have got

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a definition of mpg, but then it feeds through and also through to

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a preset provisions as well. So we were talking to mpg I think, Mr. Wimbush is is on the call. We're talking to them. And we will update the documents to reflect that clarification. Thank you. And it also, it also follows through to

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benefit of the order revisions, I can see we have Miss Wimbish on the line with a hand up. So that would be a good time to bring you in Miss Wimbush. If you can

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listen to emerge from wakemans acting for both Northern Powergrid, Yorkshire, our northern powered good northeast,

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as the applicant was saying, there has been some confusion in terms of which entity is the correct entity to enter into the DCO. And by looking at it, it has been agreed that both of the entities, the project crosses both entities. And so the DCO should be revised to reflect the nature of that on the definition will be revised accordingly.

16:53

My client has put together a table that does set out which set of the works relates to which entity and I think that will be produced into the next draft of the DCO and revise through to the protective provisions as well.

17:07

That would be really helpful because that was something we were going to ask for next anyway. So if that table could if it feeds into the DCA, then all the better. I think it could be a sheduled or something. We were going to ask for the absolute clarity because although there's a north south divide this project, I think there's necessarily a straight across, it could be a diagonal, when we've looked at it's starting to look like it might it's not absolutely clear cut which entity might own which assets. So if it deadline one, we could have clarity about the that would be very useful. Yeah, my client has also suggested they could put forward some form of plan that shows the boundaries as to where which works would cross over into which of the DNS, if that would assist would be really helpful as well. Yes, please. Thank you. We'll record that as an action. Did you say that they would be able to do that you'll be able to do that by deadline one. Yes. Yep. Yeah. Thank you.

18:03

We will I won't go into protective provisions any further at this point? Cuz I know we're coming on to the magazine miscues wants to come in. I was just going to say I think there's places in the DCO and the explanatory memorandum where the benefits of the auditor, three passes is referred to Yeah.

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Originally for the African, yes.

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There's, there's a tidying up to be done here. We acknowledge that. Apologies for the need to do that. But as you've heard from Miss Wimbush, where we're on to it with with the assistance of the two NPG companies, which we're very grateful.

18:37

Thank you. I think that covers everything. And so to have that tidied up, and in terms of, obviously, the DCO updates, we won't see until deadline three, but if you could just specify what they're going to roughly be that will be very helpful to us at deadline one.

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That's been very helpful. Thank you, Miss Wimbish, you can put your hand down unless you want to come in again at this point.

18:57

Lovely, thank you. Okay. We also mentioned in this item of our agenda about some potential additional definitions and whether certain additional terms needed to be defined. The first was cable ceiling and compound.

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Do you think that this is done adequately within the description of works and schedule one part one or do you think that for clarity sake, it would be useful to have a definition of cable ceiling and compound and the DCO?

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Sorry, Richard tourney for the applicant.

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It's not a point that we had thought was necessary is it is of course caught in the definition of nonlinear works, but the

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I suppose that the depth of cable ceiling and compound itself is not separately defined.

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I don't see an issue with including that definition and it might assist in providing some clarity in respect of the authorized works. I think it might I think it might I know it has been defined in other DTOs just

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because it's not something that's necessarily immediately apparent what's in comprised within it for those picking up the document.

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The next one is commence.

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Again, I note, this is defined in the start of schedule three, the requirements schedule, but it's not in Article Two. And there are I mean, at least article 26. In parts one and two, that refers to commencement. So I'm just wondering as a query, whether it would be necessary to define commence in the upfront definitions rather than waiting for shedule. Three,

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bridge attorney for the applicant, we actually think that the word commencement in article 26 is probably not very helpful there. Okay. So I think our proposed approach would be to amend article 26, to refer to carrying out

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and then to leave the definition of commence where it is, which is the definition which is used only in the requirements.

21:01

There's no source of Planning Act magic to the use of the word commencement in article 26. Now, it's perhaps unhelpful to include a word which might have a particular meaning.

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And that's the only instance I think otherwise in the body of the DCO. Okay, that sounds sounds sensible. And then, finally, the design and access statement?

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Do you consider that it needs to be defined?

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Originally, for the applicant, we don't think it needs to be defined.

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That document doesn't include any secured information in terms of plans or

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other documents, which are not secured by other means. So it's not a document which we think needs to be defined in the DTO itself.

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So unless that document did become a document that secured items, mitigation, for example, then that's your position. Okay, we'd like to come in on that Miss games.

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I think perhaps a fan that could be reviewed after the or during the responses to the written questions, because there are some points coming out of the design, which might lead to

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some form of additional document whether it's in the design and access statement or not. It's not something that we would determine. But perhaps if we could, perhaps add something to the relevant question in the written questions on that.

22:39

So we just asked you to keep that position under review, for the time being. Thank you.

22:43

The other point we had noted was remediation works. But I think we're satisfied on that point now. So I don't think we need to spend time on that.

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Okay, we'll move on then.

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Unless anybody else, please, as I should have mentioned, also ticular city of York, if there's anything in as we're running through in order, if there's anything that we get to you, and you wanted to raise, please feel just raise your hand or indicate that you'd like to come in, because we'll certainly pick those up. Otherwise, we're going to Article Five, which is limits of deviation.

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So we have a few points to raise under this one.

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I think we'll take it paragraph by paragraph if that's okay.

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So, the first one is actually not about Decio. Drafting, it's about the way in which the limits of deviation are illustrated on the plans. And so we know that the limits of deviation for the nonlinear linear works are shown on the design drawings and not on the works plans. Whereas the limits of deviation for the linear works are shown only on the work plans and not the design drawings. So it appears to us there's not a single plan showing all of the linear and nonlinear limits of deviation in one place, which feels wrong. It feels like it would be helpful for everybody's understanding to have them all have elements of deviation shown in one place. So our question was whether it's possible to do that through the works plans.

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Bridge 20 for the outcome, the point says we will take it away thing. I think it's one of those, that's the way we've always done it. k points. But that doesn't necessarily mean it's right. Okay, so we will take that away. And but the points noted,

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it gives business of assembly of plans and whether there's much information on the plans, but can we take that away? Yeah. Perhaps we can test behind the scenes, how it would look, whether it's a sensible plan to have I mean, it's we can sit there and work out between the plans what we're looking at, and we know we understand that now but I'm thinking of the future discharging authorities who are trying to work within the limits of deviation just having that all in one

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face would definitely be beneficial.

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Mr. Fowler, would you like to come in the fall in Africa? Yeah, sorry, we're just I was just looking at words, Plan B sheet one. And one of the reasons we kept the linear limits deviation off that is because there are a number of limits of deviations and kind of areas in there that it kind of looked crowded. So you can see that we've got the underground cable limits a deviation that would, they would combine with the limits of deviation for the nonlinear works. So it would it would have combined with a different symbol on the planet, maybe complicated things. So on that on that basis, we kept them off and put them on their own separate plan today, something we can have a look at. I do feel like it will complicate things on that, especially in kind of areas like Section B, where you've got the two Kilson and compounds, I think, possibly it may possibly come back to the point we made earlier about and the plan that you went to your degree to get away and have a look at in terms of the Tadcaster area, this only really comes up where we're dealing with the nonlinear works too. And I think there are any key points where that matters. So it's not that it needs a whole you know, wholesale across the whole the whole lot of the plant it is those areas, it's the substations it's the cable ceiling and compounds. So if you can have a look at that and

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look at the best way to show that

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thank you. Okay, and then coming on to Article Five, one C which is in relation to vertical limits of deviation. So

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sorry, it's one see yes, let's say that one scene.

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So, this provides the

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deviation of to any extent upwards not exceeding six meters.

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Firstly, in there, the term supporting structures is used. So this is irrespective the overhead lands and supporting structures.

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That's not a defined term in the development consent order. Does it only include pylons? Or could there be other infrastructure that would be covered by that term?

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The foreign national grid could also cover the gantries as well okay. And so in that sense, does there need to be either more precision in that part C which says pylons or gantries, or I know we've talked about other alternative means to gantries as well. So either that or a definition of supporting structures?

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Yeah, well, we will do it that way.

27:44

I know in the read across to the environmental statement, chapter three, the project description that does Respress refer specifically to pylon heights only in the context context of that limit of deviation. So if other infrastructure is included, then you might also need to consider how that relates to the assessment in the ies

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the overhead line profiles and the minimum and maximum lattice pylon heights

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as shown on the design drawings, which AP P O six, four they form the basis for the vertical limits of deviation, but the drawings are described as indicative. So what degree of certainty is there that the final design would be consistent with the information in the design drawings? If they aren't secured?

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Would you be able to respond to that point?

28:33

be far enough. Good. Yeah, that's okay. So that the reason for the Indicative is because the layout within that cable CNN compound isn't isn't fixed. However, the parameters in there specify where certain equipment can be located.

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But I think we're talking here about this is the this is still on the vertical deviation. So this is on basically on pylons and

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pylon heights.

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Sorry, I missed the first part of that question.

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At oh six for the design drawings, and so they form the basis for the vertical limits of deviation but those drawings themselves. So that's that's where this points us that parts of the of this article points us to design drawings, but the design drawings, they're not the workstations, they're other plans that are indicative. So the question is, how much certainty is there that the final design would be consistent with those design drawings because they are only indicative?

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Yeah, that's okay. So, the profiles that are included, that show the overhead lines profiles at the moment are based on the alignment and positions that are shown currently. And the movement from that then the pylons would be in line with the limited deviation for allow for the six meters limits of deviation increase. That's why the profiles are shown as indicative because the based on the design currently shown.

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So I guess the question is, then, are we how do we have enough certainty that

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those controls in that part of the article

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as we understand them to be now because how far from the Indicative plans could the the desert those maximum profiles be? Maybe it's a point to take away and consider received the outcome. I see the point that those because those profiles are shown Indicatively necessarily say because of the potential to move the pylons

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that

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there are heights annotated, it may be that those heights need to be better defined, because I think the

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limit of deviation is set by reference to six meters from a height. Yeah, yeah. So

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I think it needs to be some clarity is needed to be provided somewhere? I'm not sure it's necessarily on the drawing to make that it's the deviation is from the height are shown.

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Yes. Because you have precise pylon heights on those indicative plans, but the profile will only ever be indicative. Yes. And that's the point is it I suppose the other question is, are the design drawings the right place to be attaching that part of the article? Yeah.

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Yeah. Follow me.

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The follow national grid. So the heights are specified on those profiles. And the limits of deviation are attached to the height shown on the the Indicative is the fact that they can move laterally along there. So the position isn't fixed. So okay, it's it that the height is attached to the limits of deviation, as shown on the design drawings, however, it's talking around lateral movement, and the fact that it may show a slightly different location to what it is on that profile. So it is limited by the six meter as specified in the DCF. That's a very helpful distinction to make between the deviation laterally and vertically, perhaps you could just have a look at the way of

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me clarifying that point. Because I think now we understand that that's probably not a problem, but it's just the way that it's

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presented. Okay, in terms of those vertical limits of deviation, the expansion memorandum refers to precedent in the Richboro and Hinkley connector orders. But in both of those cases, they spec specify a maximum four meter vertical deviation, whereas here we have six meters up to six meters, six meters.

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The explanatory memorandum doesn't explain the reason why a greater extent of vertical deviation is required here. So could you talk us through the reasons for that, please, stay following us your grid. So I'm previous projects, the types of pylons are different. And you'll note on the Hinkley project the T pattern was used, which have different extension panels that can be applied to pylons. So the way that we've calculated the six meter limits, the deviation are based on standard extension panels that can be applied to the pylons work per person, which allows for two extension panels to be applied. So that's the difference between the four and the six meters. So it's, you're basically saying it's up to two extension panels or three meters each, whereas in those cases, because obviously, more Richburg wasn't the T pylons and thankfully, is only in part the T pylons. So in those cases, may have been extension panels of say two meters, you could Yeah, okay, that makes sense. Thank you. Again, I'd asked that the expansion memorandum just just

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it's, it get expanded in that area just to explain that.

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And then moving on to part D of Article Five one, we're talking about vertical deviation downwards now, so down to the ground.

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That article would provide for unlimited vertical deviation below ground for below ground activities in respect of the linear works. The DCO silent on the depth of ground below ground activities for nonlinear works. We know that the IEs in chapter three states that the assessment is based on an assumed depth of excavation of 1.2 meters with a maximum depth of open trench being assumed to meters. But the construction plans include illustrative cross sections or various underground cable installation methods or piled foundation options, which either don't state a depth or show a depth that looks to be deeper than two meters. So the question is, can the applicant firstly clarify what assumptions have been made about the maximum depth of all underground activities? It might be something you need to take away appreciate. It's an ES point.

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Rich 20 for the African Sorry, sorry, just for taking a moment to consult but

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I think we'll take that way. We haven't, as you say,

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identified here a limit on vertical limits or

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or nonlinear infrastructure,

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foundations and so on.

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I don't know if we'd propose to given that

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the installation of foundations will require detailed design at particular locations. But we'll take that away and consider and also address your point of how have you assess exactly I think that's the probably the more important point because I appreciate you can't, you may not wish to change anything in the DCO in terms of the vertical downward for the nonlinear works, but I think we do need to understand what the assessment has assumed in that in that assessment. That's happening. Thank you.

35:39

And that comes down to the worst case scenario, probably thank you. And then passing on to five, one, E. So five, one E allows the carrying out of construction activities for the purposes of the authorized development anywhere within the order limits, which does again seem quite a wide ranging power. So could I just ask for your justification for that vision. So why practically it's needed,

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registered if the applicant that's a power, which is intended to pick up other activities, which may need to take place within the order limits? So the idea is that when we're constructing the scheme, if we have to deviate laterally, that we should be able to construct within those limits as well. So in other words, the working areas and the construction activities are going to move within those

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limits that are being authorized. And I think in particular, in respect of lateral deviation, that is going to be the most important factor.

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Does that need to be a definition of construction activities for the purposes of that article?

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It's not defined anywhere.

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would say that's way? I can I see the point? Absolutely.

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But we'll, we'll take that to where we can link to that so far, thank you.

37:02

Okay.

37:05

Moving on to part two, then or paragraph two of Article Five. This allows, in essence, the Secretary of State to permit that certain limits of deviation or disapproved, where That's where it can be demonstrated that the relevant planning authority and any other person the secretary of state considers appropriate that this would not give rise to any materially new or different environmental effects to those assessed in the environmental statement. So

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that as my understanding is that means that either lateral or vertical limits of deviation could be overridden. This is a provision that hasn't been included in predecessor.

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Orders for overhead lines. So could you just set out the justification for why that's been included? Reg 20, for the applicant?

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True not in previous overhead line orders, although there are examples of the same provision being applied. For example, and we'll provide this in our written day, but Northampton gateway, order 2019, and the a 48, blackcat, Caxton, gibbet

38:10

highways DCAA in 2022, with similar wording. So that's that's where the precedent is, what we say is that this provides an appropriate degree of flexibility, but with control, because the Secretary of State needs to be satisfied.

38:28

And give approval to stepping outside the limits of deviation.

38:34

And

38:36

provide certification to that effect, that that can only be used in respect of stepping outside the limits of deviation that doesn't lead to any departure from the assessment in the ies and that that control is appropriate. And the revision provides an appropriate degree of flexibility, because it allows

38:59

for those minor changes to be made without the need to apply to the Secretary of State formally for a change to the DCO or to seek a separate consent.

39:12

It wouldn't have the effect of extending any rights of compulsory acquisition.

39:19

Okay, so either it would have to be on land that was within an area that was compulsorily acquired, or it would have to

39:28

there'd have to be a separate agreement in respect of that land so it doesn't extend

39:33

the

39:36

the CA powers and we say it's appropriate because it gives a quicker route to approval and there are

39:49

for example,

39:51

it may be that's in the detailed design of the scheme. And in negotiation with the landowner or something some minor change to to

40:00

The orientation of a component to the scheme or to a particular point of detail on an access route or something like that might be something that suits all parties. If we were entirely constrained by the limits of deviation, then that minor flexibility would in fact require a very formal and extensive process to address that. This gives a small amount of flexibility but subject to Secretary of State certification.

40:31

That's very clear. Thank you. My next question was to ask you about some about an example of how I think that you've, I think I can understand what you've said an example of how that sort of might arise. And the point about if it's suited all parties, I think we will return potentially to this when we come to talk about article 48. And the status of the environmental statement in terms of whether it's a certified document then in that context, because it seems to be quite an important part of the control around that article. I'll now just pass over to Miss Kim, she's got a question about Article Five, four.

41:03

Thank you Miss powers, and this is really just a clarification for our benefits. Um, with regards to the cross sections and elevations in the design drawings.

41:16

I'm just asking if these are parameter plans, and we asked this because by for a specifically refers to parameter plans when securing maximum height,

41:28

but the elevations don't have parameter plan in their title. And so I'm assuming they're not parameter plans, and therefore, that the maximum height is secured only by the annotation on the parameter plans, which says new equipment can be located to a maximum height of 50 meters

41:51

reached 20. For the applicant, it's it's your assumptions correct.

41:55

So the height

41:58

is identified as a height rather than in the form of a parameter plan.

42:06

I just wonder if specifying those specific parameter plans in the DCO might be clearer.

42:22

I meant by growing number

42:26

said if you can, yes, we'll do that.

42:29

And then the second

42:33

area of questions was just there aren't any parameter plans for the chips and cable ceiling and compounds and there aren't any for the MPG transformer compound, which is stated to be outside of the Overton substation perimeter. So we're just wondering about parameters for those.

42:55

So they fall on us grid. The compound is shown on the Overton parameter plan which is document it's in 2.15 design drawings and it is let me Sorry, just let me get the reference for you.

43:12

It will hold that and then the sheet is DCO underscore D slash PS, slash ot teen underscore 01

43:24

which is the design joint substation primary plan for Overton and on there there is a section that covers DNR substation compound which is signified on a legend is three kind of diagonal stripes which can be seen too I'm just haven't quite found the plan yet. Apologies my two pupils put get it up on the

43:46

Yeah,

43:47

they're big plans and they take a long time to load or we're trying to get them electronically Yeah.

43:54

This This was if we could just zoom in a touch to the north.

44:00

Northwest Basset in there so somewhere over 10 head yeah, so you can see there's a small square building which is in case with the access road that is the DNA compound so

44:15

thank you

44:19

so that would be content I Okay, that's contained within a parameter plan

44:24

and then the chips and cable sealing and compounds

44:31

Yeah, hopefully we can be able to put that plan on the screen as well. They are parameter upon which is within the same suite of plans

44:47

I'm just trying to find the reference. Sorry, it's on the screen now. So there's a parameter plan for both the northern and southern cable sealing compounds.

44:57

Okay, thank you. I haven't been looking at the plans. Um,

45:00

sufficiently detailed, but maybe the MPG compound could be annotated, because that really, I was struggling to locate that anyway. Thank you.

45:14

You're asking for that as an action? They're not Yes. Your update? Yes. Yes, the design drawings document, isn't it? And it's the parameter plans within it. Okay.

45:34

It's border. I don't know whether there's anything you want to contribute on at this stage. I'm mindful that your your area of interest is the linear works and not the nonlinear works.

45:46

My border city? No, not at this time. Thank you.

45:52

I was going to if there been more councils present, we were going to ask a bit more about the parameter plans and their understandings of them. But we'll put that in a written question to the council's.

46:06

Pass. That's all I have to ask on that point. Thank you. That's everything on Article Five. So unless anyone else is raising any matters on that, I think,

46:16

hopefully, as an action,

46:19

you will, there's several points in there, you've said your take away. So consider the best way to come back to us on that whether it's a specific post hearing submission, or part of that submission that does deal with all of Article Five will be useful to keep it all together as well. So thank you. And let us know if there's changes to the DCO or the EM planned.

46:39

Okay, I'm whizzing forward through the DCO. Now, so we've got a lot on

46:45

items in the shedule. So we're going to be quite light on what we cover in the articles today. And some of the other questions will come up in writing instead.

46:53

Article 46 is on our agenda. But that's about felling and lopping of trees and removal of hedgerows. I think this is one that can be dealt with through a written question.

47:05

Because it also may include the views of the council's so I think unless anybody else has anything else they'd like to specify specifically say about article 46. And I think we'll pass on by

47:16

and then move on to article 48.

47:23

So, article 48, deals with certify certification of plans, and certify documents are important for securing the project commitments, for example, around necessary mitigation. And article 48 contains a list of documents. And we want to take the opportunity to explore whether any additional documents should be included here. And the one that we've already alluded to, during the course of the this morning is the

environmental statement, which is not a document to be certified under under Article 48. And we'd like to have a little bit more explanation about your rationale for this.

47:58

Thank you, Richard Turney for the app can. Yeah, so

48:03

obviously, the main purpose of certification is to make sure that where documents are used to limit the scope or nature of the proposed development, but those are fixed at the point of the making of the development center order. And whilst the environmental statement identifies the likely significant effects of the project, it doesn't in itself, limit the scope or nature of the project.

48:28

And where there is mitigation referred to in the EIS and relied on in the ies that is secured by other means, by way of requirements or references to particular plans and strategies and so on. So

48:44

we say that that's the appropriate approach, that clearly the issue relates to those areas where authority is granted for certain things subject to what has been assessed in the ies and subjected to there being no new

49:02

or significant

49:05

diff or different new or different significant effects.

49:09

What we say there is that there's a sort of proportionality point here as well, because the ES will exist. The question is whether it needs to be formally certified. It's a

49:23

burdensome and time consuming task for the Secretary of State because it requires the submission and retention of a hard copy of each of the documents. And

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we consider that the appropriate thing is to just certify those documents

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where there are specific plans and specific codes and so on, that need to be dealt with.

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And

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we consider that the ES is going to be a very substantial addition to that list, which isn't justified by the fact that it's referred to

50:00

as a as a reference point for

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some of the some of the powers in the articles.

50:08

So that's our view on it, and the reason why we've taken that approach.

50:13

And

50:15

certainly

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certification was found not to be necessary in respect of the Hinkley Point C connection project, a similar point was raised by the XA. And it was concluded that it wasn't necessary to include that certification.

50:35

But we understand that you might take a different view on it.

50:40

Thank you, yes.

50:43

It hasn't been documented, be certified in those previous overhead line orders. But it has, in more recent times become quite commonplace for it to be certified in in orders that contain significant parts of overhead lines. And thinking of some of the offshore wind farms is pretty standard for offshore wind farms who've got

51:05

decent overhead line elements on shore.

51:09

And I think the reason for that is because as you've mentioned, the flexibility that's being sought. And the only limit to that flexibility is the environmental statement. And we've mentioned some of the areas but Article Two, the definition of maintain refers to the environmental statement is limited by those assess effects assessed, the description of the works proposed schedule one, and in some of the

requirements, requirement, one, three and requirement 12. And even the limits of deviation as we were discussing, not that long ago, again, have that provision to limit by what was assessed and I suppose they aren't. So in that sense, the ES is being used as a control measure. And I take your point that yes, would still exist. I think the question is about

51:54

mum, but principally for future discharging authorities, because a lot of the actual detailed matters are going to be dealt with through subsequent consents those councils mainly but not just you've got Environment Agency or internal drainage board. So whoever it might be, needs to understand exactly what has been assessed. And I suppose the having that as a certified document does provide that certainty, because you know, that at that point in time, that was the Yes.

52:20

So

52:22

I would say there's definitely still a good argument in favor of including it. I think, if you don't, there's a risk of a kind of moving platform situation for those discharging authorities in terms of understanding the baseline assessment that's been undertaken to accompany the application.

52:39

There are various ways that the ESA has been

52:42

included as in the article attended several offshore wind schemes where they they

52:49

have used article 48, to secure a schedule, which sets out the elements of the environmental statement, which should be certified. And so there are different approaches. Definitely in practice, we could be using this but I would say that

53:03

this is something that we're still interested in. So I'd like to ask you to go away and consider that again. Certainly, we haven't ever heard anything from the Secretary of State in terms of having a problem with a very large I appreciate how large these documents are, but they haven't

53:16

made anything known to the inspectorate about that being a problem in terms of certification, which 10 If the applicant Thank you, that's very we've heard that His room is very full.

53:26

Because there is in fact, a room.

53:29

But that's, that's very helpful. We will take we'll take that away. And we know, of course, in referring to the

53:38

earlier National Grid DCS, we weren't stressing that that approach hadn't been taken elsewhere. We were aware, there had been it was more consistency with some very the most similar projects. But we take the point that there are more recent DCS which have taken that prosper approach. That way, thank you, and the more flexibility that saw the more compelling the case for including as a certified document.

54:00

Okay, we've already touched on the design and access statement in terms of why it shouldn't be defined. And I don't know if we need to go any further in terms of why this isn't a certified document here at this stage, but I think in light of what we've we've mentioned, we may need to come back to this point. Okay.

54:17

The other point we had in there, I think it's in our list. Yeah, the embedded measures, embedded measure measures. sheduled easy for me to say, is a really useful document that summarizes all of the mitigation

54:30

measures. And so that's very useful for discharging requirements.

54:35

I think

54:37

it's obviously outside of the environmental statement, and I think if the environmental statement wasn't satisfied, and that at the very least would be something that we would be asking whether it could be Have you got any view initial views about whether it would be appropriate to include that in the list of documents and schedule it in article 48.

54:55

Richard tourney for the app and

54:57

the embedded measures schedule is is slow

55:00

be different because it really is a signposting document. So it doesn't itself have any bearing on the operation of the DCO. So we say actually, it's a, an even weaker case, certification and the ES

55:14

it's really a signposting. So we wouldn't propose to include it. But we recognize it's supposed to be an important document but more as signposting to say, where you find those measures, as opposed to defining those. Any mitigation. And it's in itself. I understand the distinction that you're drawing there. Yes.

55:35

Outline landscape mitigation plans were the other one. I'm not sure if that was on our list. whether we've added that No, we haven't, we've added it. So just to understand why the outline landscape mitigation plans

55:47

are contained in a non certified document, when all the other certified documents are standalone documents. So whether in the interest of clarity, these plans should be a standalone certified document as well.

56:00

Appreciate we haven't asked you to prepare on that one. So if you have any, if you want to take that one away, you can.

56:05

Victoria Redman on behalf of the applicant, I think generally the approach we've taken is where they're referred to in the requirements. They are then linked defined terms and therefore linked to the certification if they're based on something and if there's a document which is put forward in the application. So if there isn't, then they're not, we don't use the defined terms. So I think that's the distinction we've drawn, but we can take it away and have a look. Thank you.

56:35

Okay.

56:44

We'll keep moving forward. And our next article is article 54, which relates to temporary closure of and works in the river ooze, and I'm going to pass to Mr. Jones. Thank you Miss powers. Yes, You took the words out of my mouth article 54. temporary closure of and works in the river Roos

57:01

the canal and river trust is the navigation authority for the river rules and has duties regarding safety of navigation, and also leisure and commercial interests. We've got two representatives from the canal and river trust here today, Mr. Tucker and Miss summers.

57:18

And since we have you joining us virtually today, I will come to you first.

57:24

We've read your relevant representation, our dublo for Mr. Tucker. But are there any further points you'd like to make regarding article 54? In how it affects your interests? Yes, thank thank you, Inspector Simon soccer for climate breakfast. Yes, I mean, regards to article 54. I mean, the Trust has duties is actually summarized brilliantly perfectly just earlier, though, to maintain navigation on the referees, and asked to carry out maintenance works. I mean, our concern of article 54 Is the assertion currently it will give power to the applicant to close the river for unspecified periods in connection with the construction but also future maintenance of the development. And it does have the potential to impact our

58:11

impact of travel of vessels or the ability of the trust to coordinate where our vessels are for maintenance for maintenance on the wider network. Now, we do appreciate that the construction works the applicant likely intends to limit the closures for construction works alone to nighttime hours. And that's indicated within table 3.1 of the public rights of way management plan.

58:34

Mr. Tucker? Yeah. So we lost you briefly for a moment there. Would you mind just going back to the beginning of that sentence? Oh, yeah, yeah, we understand the applicant intends to limit the closures for the construction works to nighttime periods. And that's indicated within table 3.1 of the public rights of way management plan, sort of it's within the wider environmental statement.

58:56

But we do have concerns the document doesn't provide certainty that the maintenance works would be limited to this limited to this. So article 54. By, by the way, it's written at the moment, future maintenance words could potentially result in unplanned closures for for unspecified periods. And also there's not a definition within that plan as to what timings are considered as being nighttime.

59:19

I mean for foreclosures or navigation, the trust's are required to properly advertise this to voters in advance and this is at least nine months before the start of the low season in winter.

59:30

advance notice saucer required so that we can coordinate location at boats, which is personally in this case, because the river is the only route to get to the grip and canal from from the wider network.

59:41

Now provisions for proper notification the trust prior to the commencement of words can likely be accommodated by protective provisions. I know we'll be discussing that wider later. The existing provisions required the provision of 28 days written notice for the trust before exercising the rights on Article 54

1:00:00

And we consider this needs to be extended so that we can fully coordinate with boaters to manage our vessels and what have you. Now there is potential for small scale closures at night times require less notice where 28 days notice will be acceptable. However, the existing wording in the protective

provisions implies the 28th No days notice would apply to all works of any length, including future maintenance works.

1:00:24

So that's that's our primary concern at the moment. We wish to note that the applicant first notified us about article 54 In autumn last year, and we do wish to grant the applicant for recent current progress they've made on addressing some of the issues we've raised. We've had numerous conversations on this in the past the past couple of months. And we do hope it's possible to resolve most or not, or if not all of our outstanding issues before before the end of this examination.

1:00:54

Thank you, Mr. Tucker. Is that everything you wanted to say on Article 54? At this point in time at this stage? Yes. Obviously, we've got your relevant representation, we've read that as well.

1:01:06

In which case, I should turn to the applicant to give them a chance to respond to what they've just heard. And I had some questions, but I think is really mainly just just a question of responding to what you've heard, because I think Mr. Tucker's kind of covered off the points I was going to raise in question form. Anyway. And if I have anything else, I'll add in. So over to you, Mr. Turney, or one of your team.

1:01:29

Thanks, Richard tourney for the applicant, very grateful to Mr. Tucker. And we're grateful to the canal and river trust for their engagement on the wording of both his article and the protective provisions.

1:01:44

So obviously, the necessity for this article is that we do need to have that interference in carrying out the scheme. There's an existing crossing from the overhead lines, and we're putting in new lines in that location. So we've got to carry out those works.

1:02:03

The issue, I think, really between us is about how that's managed. Certainly, as Mr. Taka rightly notes, the rice where management plan indicates that the planned construction activities will require only a short period of stopping

1:02:23

people from traveling on that portion of the river, we anticipate it's about an hour overnight, because that allows us to put putting in place the provision to allow us to carry out those works. And it's it really is a short period of time. So we've identified that for the construction of the scheme. And I think Miss Tucker helpfully recognizes that that sort of level of interruption might be subject to shorter notice periods than you'd expect for large scale, disruption to navigation rights, because effectively someone's going to be delayed rather than completely disrupted in their

1:03:04

use of the river.

1:03:08

In respect of the point, the wider point he makes about maintenance,

1:03:13

clearly,

1:03:16

as he says, the article empowers temporary closure of and works in the river use for maintenance purposes, and they may be required, because if it was necessary to carry out works on the overhead line, during the operational phase, then it may require some similar interruption. In terms of giving notice, we do have some concerns that we'll want to discuss with the trust about that, because there may be a need for emergency works or though, for any sheduled or routine maintenance, we wouldn't have a problem with providing similar notice periods to those that are identified already.

1:03:55

So I think in terms of article 54, itself, the principle I think, is not in dispute, the wording. The trust helpfully provided comments, we've gone back to them with some slight revisions to wording. So we would we are anticipating some updated drafting to reflect

1:04:14

agreement between the parties. But then we need to come back I think,

1:04:20

to deal with this point about notice periods in negotiating the protective provisions. So those are really high level of response. But I think I think it's an issue where the parties are not a million miles apart the principle identities in dispute, it's about the management of of that to ensure that the interruption to navigation is minimized and appropriate notices given, if at all possible.

1:04:45

Thank you, Mr. Turney. I'll just come back to Mr. Tucker on that final point about timescales. Is that your understanding of the position and are you likely to either reach agreement or reach reach where you that matters you disagree on by that by the close of

1:05:00

The examination period. Yes. I mean, we'd agree with what, what the African statement? I mean, we're currently negotiating the protective provisions. I think from our perspective, we just want to make sure that article 54 Doesn't inadvertently result in situation several years from now, for example, where, you know, where maintenance works could result in a long term closure of the river without without the right without in an appropriate notice to voters? I think that's our primary concern. But I think,

1:05:30

you know, with our negotiations we've done so far, I'm reasonably confident we'll get to an agreed agreed position on on the on the provisions. Okay, thank Thank you, Mr. Tucker. And just before I move on, is there anything that anybody else wishes to add on this matter?

1:05:46

I'm looking at I don't see any virtual hands. And I don't see any I see a bit of a shaking of heads from people in the room, in which case I'll show return to my colleague, Miss palace.

1:06:00

Thank you very much.

1:06:02

Next on our list is article 55, which is trees, subjects, trees, preservation orders.

1:06:10

Given the time I'm suggesting this is another one that we can deal through deal with through written questions, so unless anyone has anything specific that they'd like to raise in connection with article 55, I think we'll pass on over one.

1:06:23

Okay.

1:06:25

And then so I'm going to come back to you Mr. Jones, because we're going to the final item, which is on our agenda, which relates to works affecting sheet shedule monuments.

1:06:36

Thank you Miss Paris. Yes, there's this isn't an article as such yet. But there is a proposed access route to pile on xe 497 that would directly affect a scheduled monument to show tomorrow Manchester medieval memorial complex garden and water management features. St. Mary's chapel and a further linear earthwork forming part of the Abbotsford dike system and consent would be sought through the DCO. This so my question is, could the applicant explain with reference to the ancient monuments and archaeological areas act 1979. Whether or not it would consider it necessary to include on the face of the DCO any provisions in relation to the works affecting this sheduled monument?

1:07:24

Bridge attorney for the applicant, I'm just going to ask Mr. Fowler briefly to clarify the works that are taking place here and then I'll come back on how it's dealt with in the order. Thank you, Mr. Turney. Steve, our national grid, just to clarify the access point in this location is to a scaffold position only not to a tower so it would only be used in the situation where we're stringing conductors not to access a tower

1:07:49

sorry, a pylon.

1:07:54

All those works that you're definitely going to need to undertake. Mr. Fowler? Steve, our upgrade? Yes. To construct the authorized dwelling we will need to undertake the works there will need to access through the central and ancient monument to erect the scaffold position.

1:08:11

Okay, thank you. In which case, I'll turn back to you Mr. Turney regarding whether whether these provisions need to be included within the DCO.

1:08:20

Thanks, Rich tourney for the applicant. We say it's not necessary to include a specific article or requirement on the face of the DCA to deal with this. The works that are affecting the sheduled ancient monument have been addressed in the code of construction practice, although I will flag now that the cross reference to the technical notes in that cicp contains an error. So it's referred to the wrong document. So we need to update for clarity and correction, the cicp on this issue. But

1:08:59

the

1:09:01

short point is that in discussions with Historic England, it's been agreed that the potential impacts on the sheduled ancient monument could be mitigated to an acceptable level by minimizing access with vehicles and where vehicular access is required. Employing track matting and minimizing the duration of works as far as possible. So there's only limited crossing of the relevant features. And the cicp includes a paragraph to that effect, which then refers back to an ES appendix which is a method statement in respect of this.

1:09:47

In respect to this crossing, the reference however is wrong.

1:09:52

So it should be a reference to appendix five point 3.7 G of the ES rail

1:10:00

Have the seven h. So on the crcp, at the moment, it will lead to the wrong document. So that needs to be corrected. And I think the language of the CCP might be slightly clarified there to make clear what the commitment is that's being given.

1:10:17

There isn't a need for a

1:10:20

specific, as a matter of law, there isn't a need for a specific provision to allow works to a scheduled ancient monument. Because

1:10:33

if the works are authorized by development consent, it is not an offence to carry out those works. So in other words, the fact we've got development consent for those works at the scheduled ancient monument means that we don't need to separately comply with the duties under the 1979 Act.

1:10:56

So it's not necessary to have an express provision to disapply that out, because that's done

1:11:01

both in the Planning Act 2008, but also in the 1979 Act itself. Section two one states that it's not well, it is an offence to execute works

1:11:15

to a scheduled ancient monument, unless those works are authorized under that act, or by a development consent order.

1:11:23

So we don't need a specific provision. But we do think there needs to be appropriate control. It's in the cipc. But we need to revisit the the wording.

1:11:31

Thank you, Mr. Turn, if I could leave that as an action point and also to make a correction of the wrong reference number. And also, obviously, we need to report on this matter to the Secretary of State whether it falls within the remit of the 1979 Act or not. Where are you as we don't have a relevant representation yet that I can see from Historic England, where you proposing to do a statement of common ground with Historic England on this matter, like to cover all matters regarding heritage, but this matter as well.

1:12:03

Yes, is spirituality for the applicant.

1:12:07

The matter is agreed, I think sarking this position is we've sent them a

1:12:12

draft statement common ground, that at the moment, they are saying, we don't think we need to sign this because we're not a party because we we've agreed everything in advance. So we're trying to encourage them to sign the document. But in any event, I think we shouldn't have a problem and then providing at least some confirmation that they are content with the approach.

1:12:33

So we've, as far as we're concerned, and I think as far as they're concerned, there is no issue between us. It's just a question of how is that documented for the examination? Okay, thank you, we will

certainly need something submitted into the examination that, in effect says that, you know, this is fine, in regard to historic England's view on this. Otherwise, obviously, we've only got your word to go on it, Mr. Turney.

1:12:55

So that that would again be an action point for Historic England, please on that to be Mr. Jones. On that one. We I know we have written questions on this matter to Historic England. So I'm thinking that the action is already going to be captured in our written questions. Next week. Okay, that's fine. That's fine. Unless anybody else has anything to say on this matter?

1:13:21

Have not seen anybody in the room. I've seen a virtual hands. In which case I shall return to you then is promise. Thank you. Just to clarify, then the updates to the code of construction practice. Deadline one or deadline two. How are you feeling? How extensive are they?

1:13:43

Okay, the deadline to Yeah, thank you just in case. There's anything that comes from your question. Yeah, rather than having lots of iterations. And I would just reiterate what Mr. Jones has already said. So the the point of asking questions of Historic England on this particular matter is just to seek the the kind of, you know, the documentation of agreement that we will need to report on it. The last thing that you want is to get to the point of reporting and just not having that to rely on.

1:14:09

I don't know whether it also might assist just to have a note in the explanatory memorandum that just says what what you've told us about their about about that article to one of the 19 79x. Because I think otherwise, it's always that I think we're clear on what you've what you've explained there, but it's just to have it's not in the other sense of licenses document and it's not specified specifically referred to in the explanatory memorandum. So just to say it's not required for these reasons would be good for completeness, I think.

1:14:36

Okay.

1:14:39

I think we're probably all need to have some lunch. I think it's 20. past one and seems a good time to break before we have. We will go into the schedules after lunch. We've got a few questions on sheduled one, but really, it's going to be spending time on schedule three, which is the requirements and that's where we'll probably focus most of our time, and then after the afternoon break, we will we will focus

1:15:00

is on schedule 15 which is the protective provisions. Okay, so we'll break now and can I suggest we come back at 215? So 215 back here. Thank you