

TRANSCRIPTION_ YORKSHIREGREEN_ISH_SESSION3_23032 3

Thu, Mar 23, 2023 3:50PM • 1:21:20

00:11

Good afternoon, everybody. This hearing is now resumed. I just checked with my case team colleagues, the livestream started in the recording is underway. Lovely.

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And we have Mr. Jones back with us as well.

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Before the break, we'd worked out

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and so that's where we'll pick up straightaway now.

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The first item that's on our agenda then is in relation to schedule one.

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And the authorized development and it's it's hopefully the question was articulated in the agenda. So the it's relates to work number 11. And the monk fryston substation, and the ES chapter refers to the requirement for a diversion

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from the applicant about whether this work is still proposed

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Richard tourney or the applicant, thank you. Yes, there's a diversion required of Yorkshire waters watermain.

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For the delivery of the monk fryston substation,

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there are a number of other developments going on immediately around the monk fryston substation which also necessitate changes to that watermain. And

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therefore, it's proposed that those work should be carried out by Yorkshire water, using their own statutory powers rather than delivered through the DCO.

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And

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the proposed routes, as we understand it.

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For Yorkshire water to take account of those other developments would fall outside order limits.

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And

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as a contingency,

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we would be able to deliver a watermain diversion as within the definition of associated development.

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Within the DCA water limits if that became necessary, but we don't expect that that is going to be the approach because we expect Yorkshire water to carry out those works. And we understand that their diversion

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is going to take place some point this year.

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And be implemented during this this year. I don't Yes, yes. Yeah. So I think it's that it's going to take place between April and September, I think he's actually completed by

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we expected to be completed by September, and will provide an update once we know what's happening with that, that would be very helpful.

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And therefore there is no need for it to be provided on any of the plans is what you're saying or in any of the schedules of the DCO.

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And just to check that, in that comes that next anyway, the definition of this other associated development, but just to check under which part of that definition?

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Well, yes, we, we would say it's under limp T.

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But we do note on

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C and T, there's a degree of overlap.

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And

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we are going to stress that we consolidate those two sub paragraphs, okay. For clarity, yeah.

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Okay, thank you. Yes, we will keep that kind of on our radar is something that we need to check in with later in the examination to see whether there's an update on that.

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And unless anybody else had anything else to raise in connection with work number 11, then we will move straight on to look at that other associated development definition.

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So again, we've got list a to you pay to you at the end of sheduled. One, which is pages 50 to 51 of the draft development consent order. That actually has changed, doesn't it since we've had the updated possibly, but anyway, yeah, lists at you.

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And the again, the explanatory memorandum states that that has precedent in the rich per order.

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But again, the list there was significantly more limited in scope.

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So again, could I just ask you to run through the justification for the powers that sorting under other associated development, please? Yes, Reg? 20 for the applicant, I can go through the whole list. Is that what you'd like us to do? Or either me or Mr. Bhalla can do that, but

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I think we do need to have that information, but whether we need to have it orally or whether we could have it in writing after today.

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Well, I've got a written list here. Yeah, we could just put it in our post hearing submission. I don't think there's any in particular that I'd draw attention to some of them, we've given very specific examples, and others are more general. So for example, we've identified particular locations

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where we might be doing works that fall within, ah, for instance, benefits protection, land structure operates through equipment, we've identified particular location where that might be relevant. And the same for for example, where we're going to be strengthening or improving streets. So we've got some specific examples and some general, but it may be easier for me, for us to provide that list to you. And then if it needs to be examined further it can be I think that's the right the right approach. Thank you. Can you do that by deadline? One, if you've already got your list? Thank you, that'd be really useful. The only comment I'd probably ask while we're here is part you

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limits the activities by

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by the by the bed, again, by the environmental statement, or the effects assessed within the environmental statement. And I suppose the question was that limitation of not giving rise to any materially different environmental effects than those assessed in the EAS, could that provision actually apply to the entirety of that list at you, rather than just a part you?

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It's so so the ES has assessed

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the scope of the

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development phase, which includes the ad, so I think it's probably

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more appropriate only where it's dealing with such other things. That phrase does also appear in in one of the other. It's are such other works, buildings scuffling, etc, as may be expedient.

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And

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so there is perhaps, again, some overlap between our new I think our position would be that probably there shouldn't be an overarching

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reference to the environmental statement, because the environmental statements cognizant of that there will be other component parts of the development required to facilitate necessary for its delivery.

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And that it should only apply to sort of that catch all for things which aren't necessarily anticipated.

07:21

Okay.

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And so it sounds as though as well,

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Will you also be proposing changes to that that list you said about bringing together T and C. And so will that be in the next draft of the DCO?

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Bridges only for the applicant? Yes. When we were looking at these in preparation for the hearing, we noticed that there was perhaps a degree of overlap. In some of them, certainly C and T seem to be pretty close. Perhaps they can be consolidated. That sounds very sensible. Thank you.

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Okay.

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There's nothing else from us on sheduled. One, so unless anybody else wants to raise anything about the authorized works, the authorized development, then we will move on. And I'm just checking what we had in our agenda.

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Notes, it will go straight to shedule. Three, then.

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And that's the requirements. And again, we're going to start with requirement one, which is the interpretation, some of the definition of some of the terms used within these requirements.

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will start with commence and pre commencement works. And actually, I think, really, this comes down to the definition of pre commencement rather than the definition of commencement, having considered it further so I think our position is that any carve out from the definition of commencement should be

fully justified. And it should be demonstrated that such works are Dominion de minimis and not have environmental impacts which would not which would need to be controlled by a requirement.

08:54

We note that regulation five a requirement five three requires that all pre commencement works must be carried out in accordance with the construction management plans and the outline store management plan. However, it appears that there are some potential pre commencement activities that could take place without for example, the controls provided for under requirements six.

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So for these reasons, it's important that there is clarity and precision in the definition of the pre commencement works.

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So if we could just look at a couple of the number of items under pre commencement works, A to N.

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I'd pull out a couple just to bring to your attention, I think see being environmental mitigation works.

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That's potentially quite wide. So just after a view about what type of activities that might include prior to commencement

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the following show good.

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So the nature of these works, depending on whether we grant consent early in 2024

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Are there is certain seasons in which environmental mitigation needs to undertake.

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So this was to look at whether we can catch the end of it certain seasons undertaking netting of say, hedgerows or any areas or any kind of streaming works that might need to be done in a certain season. That might not be we'll be able to undertake and if we wait until the summer months

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sorry, things related to breeding birds seasons and things like that.

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I guess the question, and that makes sense. But the question is, is that wording sufficiently precise, to explain that that's the limit of the works that could be undertaken as environmental mitigation. Because

it's hard to know where that how that doesn't stray into the general environmental mitigation. Mr. Turney registering for the outcome,

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we can look again at the way in which that's defined. I think it's an overarching point in this we do want to have the ability to carry out pre commencement works because of the

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the necessary effort and complexity that will go into delivering the detailed plans for a particular stage, and the approval of all the relevant discharge for the relevant requirements.

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It's to ensure that we can

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get on with with those works, some of which are going to be important to

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feed into those detailed proposals for the stage. But we take the point on environmental mitigation work, so potentially the language can be sharpened up to reflect closer what we actually expect? I think so. Yes, thank you. And then just to call out,

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ah,

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probably down to owl.

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Talk about the sort of setting up of construction plant and equipment, temporary compound, temporary construction, compound setup, etc.

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Is it possible that and again, I understand that those those might be things that needed to happen before commencement formally start formally kicks in, but is it possible that those activities might require for example, lighting, or pollution, incident control measures or tree and hedgerow protection measures, and these are all things that

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requirements, six controls, and yet they don't that doesn't need to be discharged before those activities could take place as currently drafted.

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Mr. McDonald, National Grid. So in respect of works, such as the enabling works for construction compounds, there is the code of construction practice as listed in requirement five that does say that embedded measures that would be followed as part of the pre commencement activities within which

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taking your example of lighting, it will be to the extent to which no no permanent lighting or temporary lighting is required, because that's obviously secured by requirements six. So insofar as we need a construction compound to be able to do the other pre commencement activities, we would do to the extent to which no lighting is required. So, for those periods, taking other examples, in that respect,

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the tree and hedgerow protection strategy as you note is secured by requirement six again, so the detail of which will follow from the impact assessments are out in the AIA. So it's not anticipated that tree clearance would take place or hedge will clearance however, and links back to the previous point in regards to environmental mitigation, some mitigation works may be needed due to the links to seasonality for example, breeding birds, but that would not go as far as the removal of a

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of a species that could not grow back.

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That's very helpful.

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And then I and J.

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Which relates to the diversion for example of diversion diversion and laying of underground apparatus and utilities are these separate activities to those that are the the the you numbered works in the authorized plan or

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reached any for the applicant that they may be the same as those that are identified

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but may also be paid not also not not limited by what was in

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the foreign national grid? Yeah, that's right. So certain elements of the

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the peak medicines work such as temporary hard suddenly

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access points

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where they connect to the local highway there's typically services in the in the edges and that men need protection works, laying of protective slab of the top of that, so it extends to work that may be found in the verges to

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it

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Okay.

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I think Mr. Jones has got at least questions there. I didn't see his raise his

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message on. Mr. Jones, would you like to come in there?

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I have possibly slightly jumping the gun, because my question is regards to

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part N activities, which do not fall within paragraphs a to m, and are not likely to have significant effects on the environment. My question is, who in the team or contractors is going to make the decision on whether something does or doesn't have a significant effect on the environment? And also, would there be any consultation on in that regard with the relevant agencies such as the local authority, Environment Agency, Natural England etc?

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reject any for the applicant? I think so that's probably the answer is there wouldn't be any consultation on this. It's really this is this is the limitation on on what can be done rather than an approval process about the assessment of the effects. So it's, it's supposed to gather up as we saw with associated development, any similar activities, which are not caught in those descriptions, but which nonetheless, are not going to engage any likely significant effects?

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Again, there is going to be the control provided for by requirement five, but not by the

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the schemes identified in requirements six. So there is some control but not the same extent of control over the pre commencement works.

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And

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that's, I think, I think that that's the approach on

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on that provision.

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But if necessary, we can look again at the way in which that's framed.

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Thank you, Mr. Turney. I appreciate it's meant as a catch all to cover what are presumably fairly minor activities that don't fall within

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parts a to m. But

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it's just this issue about who is determined and likely significant effects

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on the environment, you know, who within your team will be doing it and, and for what range of activities

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and things that aren't falling within your your pre commencement works, because in effect, it could it could be, it could be anything,

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average safety, Africa, and it will be determined by the by the contractor in respect of what specific works are going to be required. And then obviously, consideration would have to be given as to whether those could be carried out before commencement, or whether they would have to wait until commencement. And that's the approval of the relevant documents for the stage in question.

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So it's really a sort of iterative process, following development consent rather than a determination by by the applicant or by anyone else.

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But

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I take the point that potentially that reads as being a broader suite of activities. It clearly is intended to relate to what sort of genuinely pre commencement works rather than the broader scope of any, any works, which don't have a significant effect on the environment. So perhaps we can take the wording away and make that a bit sharper. I think that might be useful, Miss Mr. Turney. Thank you very much.

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Thank you, Mr. Jones. I'm also conscious that the council's might have an opinion about this since they would might be at the sharp end of

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considering whether things fall within the

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pre commencement works. And I don't know whether Mr. Boulder you have anything.

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But Boulder City of York has potentially just echo the comments of Mr. Jones really that that does seem a very,

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very broad

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sort of terminology, to the point where you don't know Do you maybe even question the point of the earlier bits in front of it, if that then just looks up blows everything up? And

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whether there would be a whether there'll be any sort of opportunity or mechanism for the LPs to have notification of all sorts of consultation of

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the party to such discussions. If if there was elements if there were elements that would arise that might fall within that definition.

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Thank you Mr. Baldry. I suppose the point is that these are activities which are there simply to prepare for the

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the commencement of the project itself and therefore that there there isn't a there isn't a point at which there's an approval sort or even a notification made, that these things are happening. It's just these are the things that may take place before the project formally commences and I suppose that's fine. But it does mean that we need to make sure that that definition is tight as possible.

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Bridge 20 for the applicant, exactly that. And I'm grateful for Mr. borderies comment, and we'll take that and what Mr. Jones and has said, on board and look, again, at that, I think we, we don't want to go down the route of the pre commencement works having an approval process, because the whole point of them is to do them before those approvals are in place with the controls that we've got in place in requirement five. So I think we'd it would be circular to then have approval of the pre commencement works. So we'll take those comments away and see if that can be narrowed. I think that's true, especially given what we know about the how likely a commencement is to be quite soon after any consent being granted, not like a scheme where we have a longer commencement period and less certainty about when that might start. So I think that's a fair point. What I will suggest, though, to add to our action list is that we put that question to the rest of the council's as well. So just so that they can have a little look at that, and the kind of implementation of that part of requirement one.

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And also an action upon the applicant to have a look at that definition. Okay, I'm going to move on now,

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just to a requirement for some unless anyone wants to pick up anything. Before that we'll go straight to stages, the stages of the authorized development.

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Now, clearly, we've talked quite a bit about construction, programming and things this morning. And it's all been very helpful. I think the reason that we're interested in this

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requirement is because it has staging has quite a lot of implications for people living in the areas and biodiversity in the areas and land use in the areas. And so just understanding what exactly is meant by this, the stage to the stage plan, and the stage is authorized authorized development.

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I think it needs to be clarified. So we've got a few questions around it. So perhaps we could start with the applicant would be content to just clarify what's meant by a stage of the authorized development, these rich attorney for the applicant. So the idea in this provision is that the applicant defines the various stages of the authorized development itself. It once it gets to the point of being able to say in detail how the scheme will be delivered.

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And we've heard already this morning from some specific examples that there will be through the nature of a project such as this, there'll be works that take place at one date, perhaps short lived, but we went may then need to return to the same site. So there may be temporal stages, but also spatially,

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the scheme not all elements of the scheme are going to be worked on simultaneously. But there may be activity in various locations on the line of the Ruse and the nonlinear works at various points in time happening simultaneously. So the idea is to define a stage, which will be

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an area of development that's being carried out within the authorized development and a time at which it will take place.

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The purpose of requirement for is effectively to give prior notice to the relevant planning authorities that we're proposing to bring forward the project in these stages. And then when they see the submissions that are made in respect of those stages, under requirements six in particular, that they will be able to know well, this is only in respect of reconnoitering between point x and y or this is only in respect of the

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substation works at location X. So that's the that's the approach that is to be taken.

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The reason why we've said that that's something that should be provided, but not approved is effectively that

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we should be able to define the way in which the scheme is constructed with assessed the effects of its construction, we should be able to define the sequence in which we carry out those works. And the timing of those works relative to one another. And that will be done through obviously, through the contractor in due course.

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So it's really

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to assist the authorities rather than to give them

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further control that will provide that written scheme in advance.

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The

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effectively a stages is similar to a phase that you'd see in a planning

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a normal planning permission. And often,

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conditions in planning permissions refer to phases without requiring separately the approval of a phasing plan. Sometimes phasing plans are required. But often that's found not to be necessary, because you can simply bring forward bits of your development in the sequence that you wish to and you identify that you seek approval for a phase. And there will then still be requirements seeking the approvals for the next phase. This is to provide a bit of architecture for how those stages will fit together.

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That's the overall approach.

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It assists to provide more examples of detail than I'm sure, Mr. Foul, I mean,

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thank you very much. Yes, we asked about whether it was a stage in a kind of a temporal sensor or spatial sense. And it's helpful to hear that it sounds like you could be both.

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I'm thinking about some of the submissions we've heard from local people and landowners who have talked about, you know, not knowing when things might be going to happen near where they live, or businesses that might be affected and wanting to understand how long in duration some of those effects might be, and things like that. So that's why we're interested in it. But we're also interested it because from the council's perspectives, they're going to need to

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understand the stages in order to discharge the requirements, especially those under requirements. Six.

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Can I just ask have you done have you used a stage written scheme of stages like this or a staging plan in other in any other end sips or major projects? Do you have anything you can? I'd be interested to know what it looks like?

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Become a miss McDonald thank you

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that Ian McDonald M on behalf of National Grid, so yeah, I can discuss some practical implementation on construction projects. But just in saying that, just setting a little bit of the scene as to how they relate to this project. So on the Richboro connection project, and the Hinkley Point C connection project orders 2016 and 2017. They both have similar requirements to this

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although the point that Mr. Toney made with regards to approvals or or notification to the council is to point the difference. But in terms of those within schemes of stages, both projects are either in construction or very near complete construction at this point in time in developing those,

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I like to call them stage plans, because it's a bit easier because same scheme of stages in developing those stage plans, we have to take into account a number of factors and they generally tend to be the the construction methodology or the type of construction taking place the geographical location of that construction, the time period within the construction program that that is taking place. And also you know, in reference to the you know, the administrative boundaries of the local authorities in respect of the requirements, which will then be discharged further, mostly true requirements six but and or other requirements. And so, we've taken into account those four kind of key main areas and a link to that air contract strategy for the project. So it will be dependent upon how we delivered this scheme. So it's possible that we may have multiple main marks contractors, so main was contractors undertaking overhead line work or a main contractor taking undertaking substation works, we may have multiple substation contractors for example. So that will also need to be taken into account because they are it will be the contractors developing those detailed plans upon which this stages will then be determined. So if I can give practical examples from both of those projects, if you would like me to do you have a copy of one that you could submit in I will have to take that away because it is for those projects and it would be what I will say is on both projects, and just this relates to my answer to the question is, so for example, on the Hinkley scheme, they are currently on version G and I know there's more iterations to follow they have gone through five moment and more iterations of that document and that actually links to the point around approval process by the council because they are very minor amendments that have taken place to that stage plan. We also on Richboro, we have had

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multiple iterations not as many as we have had on Hinkley. But what I will say is that they are distinctively different and that's kind of my reservation around how valuable they are to the examination. Because on Hinkley, you are dealing with overhead line infrastructure, underground cable infrastructure, removal of existing 132 KV lines modifications to those lines and under

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grinding of one to two KV lines, you're also dealing with distinct geographical locations where it's enriched, it was phased, staged differently insofar as it was a 20 Kilometer new overhead line. And so the stages in that project, which there was five, does compare differently to Hinkley, to which there is 13 stages. So it's just just clarifying that in confirming that point, thank you. But in both those cases, there has been a single plan has there that's been the plan. And so in both those cases, or at least, I know, for the Hinkley connector, there's been multiple local authorities. Yeah.

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A single plan has been basically notified to all of them. Had they been through an approval process with the council's in those cases. Yes. So on Hinckley and enriched by the requirement does draw in those details as paid does require an approval process with the council.

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I wonder if if you're not able to submit the a copy of the plans as they exist, I wonder if even submitting something that's like a framework document that just shows the headings that might appear in a plan like that, just so we could see, you know, a template document just so we can see exactly what kind of information that would include might be one approach. So I put that down as an action, see what you can do on that front?

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Because that does bring me on to one of the questions which obviously this this requirement refers to the relevant planning authority. But obviously, again, in this case, we have

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multiple planning authorities, it will be simplified after the local government reorganization, but we'll still have multiple authorities. And so

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I can see that seeking approvals from multiple authorities could be complicated.

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I wonder whether the council has a view that sorry to pull you in as the council representative, Mr. Beaudry. But since you're the only one here at the moment, we will may also put this on into written but do you have any views about what we've been discussing here? And the council's role, whether it's something stage plan would be something that is notified to the council or whether it's something that would be approved by the council, and Mark Baldry city of York Council? And I think it would, there would be benefit to the council's in terms of understanding

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how the works are coming forward, and sort of having that, I guess, potentially up from pre warning, because, inevitably, with with things like this, when, you know, if instances where development starts occurring, yes, there's been a lot of very widespread sorts of consultation and things, and there will always be the potential that people flag up. What's this? I didn't know about it. And it's the council's that they will inevitably ring. So I think there will be there is certainly potentially some benefit in the council's having that sort sort of forewarned

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you knowledge of the order of things or sort of what what's going to occur where and when.

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That's very helpful. And it brings me on to another question, which was going to be back to the applicant about whether a mechanism exists for notifying the local communities about the construct about, again, they get about these street stages. So using perhaps some of the channels that you've already got in your code of construction practice,

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or other mechanisms for kind of so again, people who might live close to where these works going to take place. Is there a community liaison function or mechanism that might mean that or even I don't know, websites, that gives people that kind of kind of tool, rich attorney for the African that there is we can say more about it, but it just for your notice. Paragraph two dot 2.9 of the code of construction practice. Yeah. So that includes

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the information that will be available on the website

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will include the project program, progress updates, so perhaps not so much the technical stages, it has been referred to before we program so people understand what's coming one.

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Thank you.

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Mr. McDonnell, National Grid, just to further the points that Mr. Toney has made, as referenced by Mr. Turney the clcp. The quarter construction practice, does set out how we're gonna seek to communicate with the public and on that it does

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refer to the fact we will maintain a project website and the types of information that we would seek to update the communities on obviously, just just to know in relation to the stage plan and using this as experience

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how the stage plan sets out the stages of the works and therefore the local authorities, their discharge is a little bit more complicated and how it may be framed on a podium website does have

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For example, using Hinkley as an example, the website is very much based on areas that are of relevance to the people. So it's it's location markers, because, you know, if you're a resident of X settlement and you want to find out information on Mark, for example, you go, you know, you've got your website and you go to that place, where is the stage plan is more technical in nature. So we do seek to, through the website make that information as accessible to the public as possible. Obviously, once

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that document is in the public domain, for example, requirements as approved by the council's, I would expect the council's will be hosting those documents on their, their website so they can be visible. But in terms of the project website, it is set out and structured to be as accessible to the public as possible. And that makes sense.

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Especially given what you've said about the stage plan, probably identifying stages that might be progressed simultaneously in different geographies that some people would only be interested in part of that scheme.

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Just a question about implementing Harris, Miss Wimbish has her hand. Oh, lovely. Let's bring Miss Wimbish in.

36:08

Hi, hello Mosh from women's for Northern Powergrid, Northeastern Yorkshire. Just building on the stages of authorized development. I just wondered if there was any mechanism to communicate with mpg in terms of mpg use works within the authorized development, and how the stages of the works that are to be implemented will be communicated across to mpg.

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Thank you very much, Miss Wimbish. That's a very valid question. And I think we're just asked for a response from the applicant

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to the fellow National Grid in relation to the MPG works, it will

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be net MPG undertaking the work themselves on behalf of National Grid.

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And we will also be looking to maintain a close relationship through all the projects in terms of any impact that we may have. However, we don't anticipate any impact to be there. But we will ensure that communication between the two parties continues out. And I think this is something that's probably picked up in the protective provisions as well. It may come on to a bit later. But yeah, in relation to the works in Fiji or the care outlaws works themselves, and those works would be within all will included within the stage plan, because they're all included with a DC application.

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Does that satisfy? Yes? Yeah, that's fine. Thanks. Thank you. So it's PowerPoint. And I can I just ask, so with the National Grid websites include information about the MPG works, Steve. Yes, it would.

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Thank you. That's very helpful. The answer was yes. Yeah. Membership. Okay.

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Yes, just a quick one on implementation, because there's no,

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there's nothing in OS of requirement for that requires that the authorized development is carried out in accordance with the written scheme.

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So no kind of implementation clause. And I'm wondering whether there should be

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reached any of the outcome? I think there should be. So we'll we'll add that in. Thank you.

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And then a final, just matter, and it's on linking this to elsewhere in the DCO. is linking stages to shedule for the discharge of requirements, and they could this is for the council's really, but to understand what stages are because obviously, the things like the fees for the discharge have a requirement linked to stages. And so

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it's important to understand.

38:37

So for example, if we're looking at some of the things required under requirement, six, no stage may commence until so and so and so and so has been approved by the council's well, for each of those actions. There's a fee potentially in terms of discharging, and of course, it's just about understanding exactly, whether you we'll come back to that in a minute. But just there is obviously a quite clear read across in terms of the discharge of those requirements that links very much into the stages point. So we'll pick that up again, but yeah, thank you.

39:07

Okay.

39:12

I think we understand better about where you're coming from at that point. I think we'll see what them you submit, and we'll go and we'll give that one some more thought we may come back to it. I'm now going to pass over to Mr. Jones on requirements. Five, six and seven. I understand.

39:28

Thank you, Mr. Powis.

39:31

I appreciate we've got them as separate agenda items in terms of requirements five and six. But if it's okay with everybody, can I take five and six together and there might be a slight bit of flitting between the two at times as well. I hope that's okay with everybody.

39:49

And just

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an initial question to the applicant, please.

39:54

Could you please explain how you see the relationship between the construction management plans that are set out in paragraph two?

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of requirements five. And the outline construction management plans that are listed in paragraph one of requirements six, they're both falling under the title of construction management plans. But obviously those in our six have the word outline in front of them. So if you could just explain how you see that relationship work and in practice, please

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bridge attorney for the applicant. So the list in requirement five a

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full versions where we are specifying those plans now. And where

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we will have to carry out the development in accordance with those plans unless there is subsequent agreement. So they're one way round article as Rick sorry, requirements, six is circumstances where the

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there are outlines

41:01

in place, but the approval of the plan is a prerequisite to the commencement of that stage of works. So it's the difference between plans which are going to be

41:16

will invite the Secretary of State effectively to finalize on granting development consent and those where there will be a further plan for approval by the authority. And that's how it relates to the pre commencement and

41:29

post commencement works. So that's the overall interaction. So did you want us to go on to talk about the detail of which is it which is in which and why.

41:41

I think that would be useful, Mr. Turney, but just whilst it's in my head, in terms of our six two, part two, you actually refer to the relevant outline plans in requirement five. And obviously, the the plans that are

listed in requirement five A to F don't have the word outline in front of them. So that might be a drafting error, you need to address in the next iteration of the DCO. Yes, if you could, please come back to you know, what exactly is going to be in the plans and why they're in one state why they're in

42:16

a currently submitted form in our five or an outline or outline formed is going to be

42:22

in accordance with each stage of the authorized development in our six, I think that'll be useful information for us.

42:28

Registered if the outcome so it, it's a deliberate

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requirements, six two is a deliberate piece of drafting. So

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essentially, if I take, for example, the drainage management plan

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that needs to be approved by the relevant planning authority, so it's a new plan that will be submitted post DCO. And approved in respect of the stage in question, it must accord with the outline,

43:03

which has already been approved, and it must also a chord, which should have been produced, sorry. And it must also accord with the schemes and strategies, which have been finalized and approved through the making of the DCO, which referred to a requirement five, two. So it's this hierarchy of the five two plans are being fixed at the date of grant DCO, subject to any

43:35

later agreement of revisions, whereas the matters in six one are not being fixed at the date of the DCA, they need to be submitted to the relevant planning authority, but they need to comply with the outline that's already been produced. So it's just that there's two different ways of dealing with a plan. One is to fix it at the date of grant. The other one is to require it submission and approval later. And these two requirements are serving those two different purposes for different topic areas. So I'll bring in I think Miss McDonald will come in on the on the perhaps if you just give a couple of examples as to why there's a split.

44:17

But then we'll perhaps give a couple of examples rather than go through each one

44:23

in one McDonnell National Grid, just to confirm in respect of requirement five those plans, those detailed plans which are now submitted and will be approved. The primary document we're referring to here is the code of construction and practice, because the code of construction practice sets out all the measures, and it's the measures that are within that code of construction practice that will then inform for example, the example used by Mr. Turney the drainage management plan, the pollution incident control plan the lighting scheme, using the lighting schemes as an example that does also link into the BMS, the biodiversity mitigation strategy listed in requirement five and then just one more

45:00

final example is obviously in requirements six, we have listed at six one A, the soil and aftercare management plan, we have produced an outline soil management plan and submitted as part of this submission. That's the only document which we have got the title outline in. And that is

45:19

on that basis, any pre commencement works could follow the outlines or management plan. But the detail which is the details, which will come forward to the detail designed by the contractors would then be become fully set out in the soil napkin management plan to be approved by the council's

45:37

just to go back on a couple of points on either Mr. Turney or miss McDonald, Mr. Attorney refer to an outline drainage management plan. So that hasn't yet been submitted. But that's going to be an outline for the entire proposed development. Sorry, and each of the relevant stages will then be almost a subset of that main outline drainage management plan, if I got that correct with that. So you you haven't misinterpreted the applicant you haven't misinterpreted, but I got that wrong is sorry. It's the the outline plan schemes and strategies or one list referred to in paragraph five. So there isn't an outline, drainage management plan. Sorry. That's my that's my mistake. I take that back. The compliance is with the documents which have already been approved under requirement five rather than with a separate outline, broke it up in the wrong way. Does that Does that clarify, I'm sorry for being that certainly clarifies that point. Thank you. Thank you, Mr. Turney. And just coming back into

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the encoder construction practice.

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That's not submitted as an outline that that's a now in in our five days, it's a PP.

46:47

095. Currently,

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I'm aware of the fact that you've said earlier on

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that you don't yet have a contractor on board. So my question back to you is, is the CCP likely to change?

47:07

If and when you get a contractor on board? And if it does, how are you going to deal with that during the examination process and after the examination process?

47:18

Mr. McDonald on behalf of National Grid. So just to confirm those plans, listed under requirement five, which include the code of construction practice will be approved as part of this project. At once a contractor is appointed as project they will need to build, design and construct the project in accordance with those plans. They are not opposed to change. It is the requirements six plans, schemes and strategies that will be produced at a later date based on the detailed design by the contractor in accordance with the code a construction practice and or other plans listed in requirement five. I hope that's clear. Thank you. Yes, that's the way I interpreted it was moved on. So in effect you whoever you get as your contractor will be bound by the wording of the plans in in our five basically

48:08

registered if the applicant Yes, that's right. That's right. There is I just flag that that. That's right, I just do flag just so we've got the complete picture that there is in five one unless otherwise agreed. But certainly the intention is that we're fixing those at this stage and contracting on that basis. Okay, thank you, Mr. McDonough, and just turning to

48:34

lands that aren't yet in

48:41

our five

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I noticed our six contains a drainage management plan. And that would be submitted at outline stage at a later stage in the process, not as part of the suite of plans in our five. But it is identified in ES chapter nine as forming an embedded measure in the assessment of the examination. So again, how does that relate to the fact that in the ES you've committed to doing one and also at the pollution incident control plan, but at the moment, nobody will be able to see even an outline of those. So we ourselves and obviously in terms of our recommendation, but also the authorities, the Environment Agency, local authorities that may wish to comment on it won't be able to comment on that during the course of the examination. And it will be after after the event and regulation six matter. So not regulation six requirements six months

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EMA MacDonald national grid. So just to confirm

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in relation to the the plans listed under requirements six, the code of construction practice sets out all the measures in some detail that measures that needed are required or embedded measures in the ES so it does

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provide that detail already. It's from that detail in the code of construction practice that the detailed drainage management plan or the detailed pollution control panel will be produced using the drainage management plan, for example, that will include drainage management principles that will only become known to the detail designed by the contractor for example, substations and principles around land drainage, for example, as well. So that detail we wouldn't be able to provide anything further at this point with the code of construction practice sets out those measures, that the the details being brought forward with the range management problem need to accord with. So that is securing the measures in the ES because under a quorum of five, they're included in the COC B. Thank you, Miss McDonald, if I can just bring other other people in them, Mr. Mr. Baldry in, in your role as representative of all the local authorities that assumed to be merged together? Is there anything you wish to say on this matter?

50:59

Sorry, York City won't be merged together, will it? Stay separate? My apologies. Observing from the sidelines?

51:07

mothballed your city, your castle. Now if there isn't at this stage, thank you. Okay. And is there anything that anybody else in the room wanted to say about these matters? Because these are the kinds of things that may well affect matters, such as construction, traffic, noise, dust, etc. Just we're only today looking at in terms of how these, how these plans are

51:27

set out in the DCO, and how they work together. Did anybody else wish to have anything to say on that matter?

51:37

James, there's no hands in the room. But I do have a quick question I might just ask at this juncture

51:44

on other projects, but obviously, this is complicated. And

51:49

we're thinking about future discharge of these requirements five and six. And the fact that the personnel involved in this examination may not be the pit put up the individuals who ended up discharging these requirements. In other cases, we've had quite a useful one pager produced, which is kind of known as a plan of plans, which sets out in terms of construction management in particular, but how things fit together. So for example, the code of construction practice in there, you know, what has to be in accordance with that, I can point you to an example of something where it's worked relatively well, which was the Norfolk Borealis offshore wind farm. In their examination, I agree it was a p p zero to

two, as a one page diagram in there, which shows the relationship between the various plans, I just wondered whether that might be a good way, as a kind of aid memoir, it wouldn't be nice, it doesn't have a formal status. But just to have it as a, you've started in the construction practice, you've got table 1.1, which does start that exercise. So it's not taking it, it's just a diagrammatic, simple kind of avoidance of any doubt might be one way thing you could do to, again, necessarily for the applicant, just to confirm we will do that. Thank you very much. And I'll hand back to you, Mr. Jones.

53:00

Thank you, Miss Powis.

53:02

Just one final point on this, but I think I know what you're going to say to me, but I asked the question anyway. In terms of the

53:11

outline plans that are listed in requirements, six, in six, one G, you've got the tree and hedgerow protection strategy. And then it effectively says in our sixth that they're going to be based on plans in our 5am I right in thinking you're going you're going to say that that the tree and hedgerow protection strategy, the outline for which is going to be required in our six one G will be based on the code of construction practice the wording in the relevant part of the COC P.

53:47

Register, if the applicant Yes, that's right, and there's reference there to the AIA, and so on. So, it links in Back to the assessments that have been carried out.

53:59

We in our post series submission will provide the references to that to those for specifically for tree and hedgerows issues. Okay, thank you very much. And last slightly tangential question, but I'll ask you to anyway, could the applicant please clarify the process, you intend to adopt to seek approvals from the internal drainage boards?

54:27

I've got a feeling it's picked up through shedule. Four because they are included in the definition of relevant authority in paragraph five. So it might if that, if it helps to head straight there, I think that's I think that might be the mechanism it might be helped us to help them just to confirm that.

54:45

So in respect of oversight requirements, six, four where it refers to following consultation with the relevant drainage authority, the preparation of the drainage management plan. There's two ways to two ways two key points I'll say here, one endeavor

55:00

hoping that plan, we would obviously be engaging with the relevant parties. But also, once that's submitted for approval, they would be consulted on that true that approvals process to schedule for by

the local authorities in that respect, just using that as an example. And I think, returning for the afternoon, I think where they're not constantly but they are the approver, then you're right. It's it's the definition of relevant authority, which means that they are subject to that. And we are subject to the schedule for approval, process fees, appeals and so on.

55:38

Okay, thank you, Mr. Turney. I don't have any further questions on requirements five or six, unless anybody else does, then I'll move on to requirements seven, which is construction hours,

55:52

you will no doubt have seen the joint representation made by the four local authorities are

56:01

Oh, 18019032, and oh, three, four, and in which they raised concerns or I think it's fair to say there's a difference of opinion regarding the working hours.

56:11

Just for everybody's benefit, you may not be totally Cognizant with those relevant representations. Basically, the applicant is seeking construction hours of seven o'clock in the morning till 7pm, Monday to Friday, and then 8am to 5pm. On Saturday, Sunday and bank holidays. And the the representations made in the joint local authorities relevant representations.

56:42

They they, in effect, stated that they're what they consider to be core working hours to be 8am to 6pm, Monday to Friday, 8am to 1pm on Saturday, and not at all on Sundays and bank holidays. So obviously, the applicant will have seen the joint relevant representations. And

57:07

I just like to give you this opportunity now to comment on a what's been said by the local authorities and be your your reasoning for your proposed working hours.

57:19

Bridge attorney for the applicant? Yes, we've we've seen those relevant representations and also engaged in discussions with the local authorities on this issue, obviously will respond in full to their relevant representations. But I think the short answer is that we think we should stick with the construction hours that set out in requirements seven

57:42

that there's there's nuance to them in this sense that there's a restriction

57:48

on piling operations in seven to which prevents those from being carried out

57:57

outside eight till five, Monday to Friday and nine till two on Saturdays. So that's a restriction on Sunday bank holiday and the early and late parts of the working day as to why we need those hours, the 12 hour working day, the full working day

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on Saturday, Sundays and bank holidays.

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We say there that this is a project which has first of all,

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a significant time pressure on it

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and a real urgency to get the project in place. Secondly, the way in which these overhead line schemes in particular work

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is through through teams working on sections of line and completing the job that they're working on. I understand that the normal working practices for the work gang to work 10 continuous days, and then to have a break from that. So that's the normal working practice for overhead line works, reflecting also the fact that

59:17

some important works and not just exceptional works, but important works will take place during periods of outages or other times when

59:28

timing means that it might not necessarily fall within the working hours that are preferred by the authorities and in particular that we might need to carry on during the weekends. So, that is the overall approach. The other thing to say is the assessment of impact has taken those construction hours into account.

59:54

So it is not the case that there are impacts which have fallen out

1:00:00

As of assessment,

1:00:02

so on that basis, we don't. And in light of that assessment, we don't consider that there is a residential immunity case, which is how it's been put by the local authorities, we don't think there is a residential immunity case on these facts for further restricting the working hours. So that's the overall summary. If you need more detail on the operational control whether on the construction matters, then we can

provide it. But that's the summary as to why we say we need these hours. Thank you, Mr. Turner, I've got a couple of questions. Firstly, you have you have differentiated, as you, as you rightly say, piling operations under seven, part two.

1:00:45

Are there any other potentially noisy operations that you could differentiate and take those out of the general construction hours? I'm thinking of possibly materials screening and crushing if that's needed, or even potentially deliveries of certain materials?

1:01:02

So that was question number one, and either more of a technical question as well. I'll throw that to you. At the same time, though. In seven, three E, you refer to, again, things that may take place outside of the core working hours, oil processing of Transformers or reactors, if you could just explain in practical terms what that means as well, please.

1:01:26

I'll hand over to Mr. Fowler on that. Can you can you pick up both points?

1:01:32

steep fall on us? Good. Yeah, that's not a problem. So

1:01:36

in relation to the first question, we don't believe there's anything necessary to be able to strip out this all the activities related to construction have been assessed, we found that piling was the one that we felt that we needed to restrict in terms of that, because it's the considered the noisy activity.

1:01:51

In terms of oil processing for transformers, so this is in relation to the Sgt. Super good transformers that are going to be at the substations.

1:02:00

There is a time pressure on terms of getting these ready, and having them on site and the oil into these equipment that can't be bound by time. So really, this is a construction, it would be a significant step constraint on the construction if we were to limit these activities in this instance.

1:02:20

If you want some more information on that, I think we'd be better setting it out in writing, because he will get quite technical, if that's okay.

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I think that would be the reason would be useful to have. I think I'll just come to

1:02:35

other people in the room if I can, as well, please, first. Firstly, Mr. Mr. bouldery, in terms of your city council's interests in this, I mean, this wasn't part of your joint relevant representation, but I don't know if you had any thoughts on, you know, what, what you would consider generally core working hours.

1:02:56

Mark Baldry city of York Council, in terms of what the joint councils have set out as sort of their potentially preferred core working hours, they, they would typically align with the hours, we would look to impose on

1:03:18

construction in instances where we were we were granting a planning permission on on any other development, having said that, in the context of these proposals, and colleagues in our environmental health team have been in discussions with the project team. And my understanding is that we've we've reached a point where the sorts of hours of working have been

1:03:44

resolved and included within the statement of common ground. The only potential caveat, I would, perhaps at this stage is

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seems to me reading it a very broad kind of,

1:04:09

sort of

1:04:11

opportunity to to for for sort of a departure from the working hours, if you see what I mean. So, you know, what,

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is there any sort of suppose perhaps security in the sense that can we be confident that

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we're works all starts in a sensible time? And, you know, I mean, that sort of being

1:04:39

sort of, perhaps flippant?

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What happens if works was to start at 1655.

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Okay, thanks. Thank you, Mr. boldre. Just before I revert to the applicant, is there anything that anyone else in the room wanted to say about this any

1:05:00

Any IPs that are

1:05:03

living in the area?

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Yeah, Doug Fletcher, resident at Lumbee. And also part of planet

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protect Lumby against new environmental threats.

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Noise study

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is normally 55 DBS

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in a property

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construction is very difficult to maintain a low level of noise because of the plant that gets used.

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And I'm just horrified by the fact that you're thinking about, you know, working out those hours, you know, the residents of Lumbee are going to be

1:05:45

upset to the extent that

1:05:48

you know, this is gonna this work going to be going on for the best part is seven years, six years.

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So how would you like to live in an area where there's gonna be noise for six to seven years? Which, you know, from a an area currently, where there's hardly any noise at all apart from the A 63? Because it's all farming. It's all land. It's all Greenland.

1:06:11

So, I believe there should be a very detailed study of the noise of the equipment you're going to use to make sure it does not impact upon the residents of Lumbee columns from Lumbee garden center.

1:06:33

And I haven't I haven't heard anything to say how you're going to mitigate noise. But I will bring the applicant back in in a minute.

1:06:44

Was there anything else you wish to add on that matter? Or?

1:06:48

If not, I see a hand up from Mr. Parker. So if I can bring Mr. Chakra in and then I if I can get the applicant to respond to all the comments that are being made. Thank you very much. Thank you, inspectors Simon soccer from canal river trust. It's just an observation about the construction hours.

1:07:06

Obviously, we've had some indications from the applicant, they're considering installing the cable over the river cruise during nighttime hours. I'm just curious whether the construction hours proposed would conflict with that aim.

1:07:23

That's it rarely. Okay. Thank you. Mr. Chuck. I think it's probably a good point in which to bring back in the applicants team who may wish to respond on matters. They've heard

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that thank you, Rich attorney for the applicant. So just picking up the various points, I think, that had been made in the room and on the screen.

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In respective seven, three, I think we had understood that the authorities will contend that those activities could take place outside working hours. I think

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Mr. Baldry makes the

1:07:59

point that you could

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conceive of

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seven, three C being effectively abused, but I think it really is an important provision to have. Because if

1:08:18

a minute before shutdown time, you've just about winched a piece of infrastructure into place but not yet done. So you need to complete that operation. And that's obviously an appropriate provision to

have. I think it's, of course, these things could be gamed, but I think, to some extent on these sorts of provisions, it's necessary to take that risk. And obviously, if it is, if it's being entirely misused, then that might be a different question as to whether it's being complied with in substance or not. But I think it is an important provision to have, because there may be situations where a particular operation has to be completed for safety reasons, and it's the safety check cannot be safely stopped is the measure for completion of operations.

1:09:07

So that's the that's the first point.

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Mr. Tony, can I just ask that who makes that decision about whether it can be safely stopped without the contractor and that it will be will be yes.

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And then, in terms of the noise impacts of of the construction activities,

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I think just a couple of observations, the noise impacts have been assessed in the ies but also requirements, five to secures the noise and vibration management plan, which is the key noise mitigation measure, plus the cicp, which which contains a range of important measures for noise impacts.

1:09:54

And I think the other we don't have our noise expert with us. It may be an issue that needs to be explored for

1:10:00

But it's worth noting that construction noise has been assessed in accordance with a standard methodology. That methodology recognizes one point, which is that different thresholds are applied for weekend periods outside of

1:10:14

weekday working hours. So that is one point that we might want to explore later how that different assessment has been made for those weekend working periods out that's outside Saturday morning working so Saturday afternoons and Sundays and bank holidays are subject to different thresholds in the standard approach to assessment.

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And then, in terms of the

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point made in respect of the operation on the the ooze and the work that we're going to carry out with, with stopping navigation on the ooze that's caught by requirement seven

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be

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because the work that we're carrying out over the ooze, which is requires us to stop people from

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traveling along along the river at that point is

1:11:14

the pilot wires and protective netting across that water course to allow us to then

1:11:23

carry out the taking down and the reestablishment of take down existing and re establishment of new overhead lines. So it's within a carve out for those operating hours. And And as we've already indicated, we would expect those works to happen at nighttime.

1:11:43

Okay, thank you, Mr. Attorney, I would say just for the benefit of any members of the public here, obviously, the purpose of today's meeting is really to look at the wording of the DCO. And clearly, so we're looking at the wording of construction hours, rather than the principles of noise modeling and noise monitoring and assessment, etc, that that's may well find itself being revisited and in a future issue specific hearing or in written questions. So I would say did doesn't mean that we're ignoring that issue. It's just this afternoon, we're really looking at the our locus this afternoon is really to look at the wording of the DCO rather than the underlying methodology and modeling that went went on into the assumptions that we were made in the relevant ies chapters.

1:12:31

So bearing that in mind, are there any further

1:12:35

further comments to make before I hand over to Miss coons?

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I'm not seeing anything, in which case, I shall hand over to Ms. Coombs to deal with the next item on the agenda. Thank you, Miss Jones. So I think we can move through this relatively quickly, because I'm

1:12:57

probably responses from the council. So aren't present is important to us. But just sort of reading from the council's relevant representation. I just wanted to check our understanding. So my understanding at the moment, is that all landscape mitigation

1:13:18

is covered by the opera, a cultural impact assessment under requirements eight one a

1:13:26

Is that correct? There's, apart from the areas where there's outline, landscape mitigation strategy, which are for the nonlinear parts, then that is the only place where?

1:13:39

Well, I think I'm, what we're interested in is what the council is think about that, because I think the council's haven't appreciated that point. So I'm going to pick this up in a written question to the council's unless, Mr. Porter, you'd like to respond at this point, though.

1:13:57

And there was one other point but again, it was a question for the counselor. So I think we can move on from this one quite quickly, in which case, I'll hand over to Miss pious.

1:14:08

Thank you very much. I'm conscious of the need to allow enough time to deal with protective provisions. The next two on our list, again, were things that really needed to involve the discussion with the four councils. So

1:14:24

I'm going to suggest that we put both of those to writing that's requirement 10 and requirement 12, the retention and protection of existing trees and the contamination of landok wetland or groundwater, the latter having been specifically raised in the relevant representation of the four councils. So unless anybody present wants to raise anything in connection with those Nope.

1:14:52

Mr. Tony, rich Tony for the outcome just to say that, again, just to know the point we are responding to that and the relevant reps as well. So you

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Got might come out that might cross with your question, but we are responding to what's true. Yeah. So if our questions obviously will come out before we see that a deadly one, but if you if you feel the things have been dealt with,

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then yes, say so. Thank you.

1:15:16

Okay. And we also had a number of number of matters, we wanted to raise in relation to shedule. Four, which is about the process of discharging requirements. But I think this might be better to either deal with in a future DCO hearing or in writing. So I think unless, again, Mr. bouldery, wants to raise anything on that, from the city of York perspective, Mark borders as your counsel. And we, we have a handful of concerns around some of the timings in these in this section of the requirements, but we'd be

comfortable doing them via written questions. Well, I mean, if you want to raise those points, now you're here. So let's Well, the it's primarily the the timings and obligations, that would be placed on the LPS in terms of things like having to sort of, you know, the sort of consult within three business days, you know,

1:16:13

taking one that I can spot immediately,

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I understand that there's potentially been discussions at the most recent LPA sort of work group meeting that, unfortunately, was unable to attend, that may indicate that the sorts of discharge requirements process might be a bit more front loaded with elements of free out.

1:16:38

But again, I suppose the the counter to that would be that it's the requirements will be set out within the DCO. And in

1:16:49

would that be the obligation for them to do that? Or not saying that wouldn't and we wouldn't work together? But it's sort of that it's, it's, I suppose it's the elements where the DCR is potentially silent. And contrasting with the sorts of the requirements is then placing on the lps is the one area of concern. Okay. And then I think is the bit about just briefly on the fees element. I'm gonna assume or while reading

1:17:24

schedule for two, they can we

1:17:30

have a shoe more confirm that in the given the context of the field, increased consultation, yeah, potential for fees to change, that any fees would track with any changes in fee regulations generally, that's a good point.

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Rich attorney for the applicant. So

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we're in discussions with the authorities on these sorts of things. And I think just said examining authority is reassured we, we want to national word has elsewhere entered into

1:18:08

PPAs. For

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the delivery stage of the project, planning performance agreements Association, keep using acronyms.
But

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that would provide for and has done elsewhere, a sort of pre application process where we submit draft documents to allow proper comments, and that's paid for advice under the PPA. So when you come to receiving what might seem rather paltry fee for the approval,

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but the one that's designated under the relevant regs for planning applications,

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by then the document should be familiar to the authority. So we're not proposing that secured on the face of the order that we are proposing that we do it to make work to maintain the good working relationship that's already been established with the authorities and to make that process easier. So I think maybe if we update the examination on that, because it's it's not something that we're asking you to approve, but it is something that you might want to have in mind when considering how these operates in practice.

1:19:15

Yes, I say that's very helpful. So will you provide an update as and are those PPAs being progressed with all of the authority all of the host local authorities?

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That's, I think the I think at the moment, we're slightly tracking behind on PPAs is pre application. I think there's three sets of PPAs pre application examination. Okay. And then subsequent, and I think we're still trying to sort out the examination ones. So but yes, that is certainly the intention of national grid that there will be we will offer PPAs to all the authorities that are going to be discharging requirements for the consenting stage. It's in our interest to do so we've we've already explained the urgency of the project. So we want to make sure that the authorities have got the funding and information to allow them

1:20:00

to swiftly discharge and to ensure that we don't get into appeal situations which potentially prejudice us.

1:20:08

Thanks, powers we have we've got quite a few more questions on this one which will come in writing but I key well, maybe just to mention is that we are questioning why it hasn't followed advice? Nope. 15?

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Okay.

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We'll take we'll take a view on that point.

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Thank you.

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Thank you.

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Mr. Beaudry. Was there anything else you wanted to raise on that? Okay. All right. In that case, then I think I'll just check. I'm not missing any other comments from anybody else?

1:20:51

I think we'll take a break. And so that allow us enough time to come back and deal with protective provisions this afternoon. So it's 335. Should we go for 355 or three for 355? Yes, to be 35. Just and we'll be back here. Thank you very much.