

# TRANSCRIPT\_YORKSHIREGREEN\_ISH\_SESSION4\_230323

Thu, Mar 23, 2023 4:26PM • 16:11

00:05

Good afternoon, everybody. This hearing is now resumed.

00:09

Can I just check with my case team colleagues, the live stream and recording are back up and running. Lovely. Thank you very much. I'm going to hand straight over to Miss Coombs to deal with schedule 15 on protective provisions.

00:22

Thank you, Miss Perez.

00:26

Mr. Attorney, perhaps we could return to the challenge that we set yesterday with regards to which appropriate deadline might be the one for agreed protective provisions.

00:40

Reg 20, for the applicant, deadline five, I think was the challenge that we are meeting. Thank you.

00:49

We're trying to meet I mean, I suppose what we would say is,

00:53

obviously, that

00:55

the nature of potential provisions is that we'd negotiate them.

00:59

But that's certainly what we think we should realistically be able to achieve. Thank you. And we understand that entirely, but you appreciate from our point of view. If they're not agreed, then it gives the Secretary of State more work to do in terms of reviewing our recommendation. So thank you.

01:18

Um, so moving on, really to the sort of crux of the first bullet point on the agenda.

01:24

It's obvious from some relevant reps that there are because of discussions going on with named parties but at present the DCO only has a limited number of named parties in the

01:38

in the schedule 15. So we just would like to understand the reasoning there or whether we're going to expect protective provisions with a number of other named parties than those that are currently listed.

01:53

A good handover reached any for the applicant. I'm going to hand over to Elizabeth tones asked her to introduce herself. Now Elizabeth tone solicitor at Womble bond, Dickinson acting for national grid as the applicant.

02:05

Essentially, the headline is that well, we haven't included bespoke protective provisions within the submission DCO. But they have been requested by an undertaker we are progressing negotiations of those and hope to put an update in the draft a deadline three where we have made progress.

02:23

Are you able to tell us who those parties are now please? Yep, I can

02:29

just go through my list, though. Northern power grid is that the first entity that we're progressing PPS with and that will cover both the Yorkshire and northeast entity as I think we discussed earlier, Network Rail already have bespoke PPS on the face of the order. Those aren't yet agreed. So we're progressing those and I'll just cover off the telecoms. We're not proposing bespoke protect provisions for those and we understand that that's the uncontested

02:57

national gas transmission formerly National Grid gas, we are progressing despite protective provisions for that entity.

03:04

As well as Northern gas networks, the canal and river trust have bespoke protective provisions on the face of the order.

03:13

They are not yet agreed and we're progressing those Yorkshire water, we are progressing a side agreement with them, but understand that the PPS on the face of the order are not contested at this stage by them. And then finally, national highways. We haven't got any provision for national highways on the face of the order presently. But they have shared their their PPS that they would want and say we're progressing bespoke protective provisions for them also.

03:43

Just to clarify in terms of Yorkshire water, then

03:48

there probably wouldn't be there would be a cider group. But there probably wouldn't be bespoke protective provisions, but they would come under the ones that cover water. Exactly. Thank you attention. Yeah. Thank you.

03:59

That's very helpful. And

04:03

if yes, if that list can work, but it will be included in your post hearing notes. I'm sure that the list of Undertaker's

04:10

I'm there now in terms of turning to the

04:15

second bullet point in the agenda. I'm going to go to the Undertaker's that are present first and just get a view from them and then I'll come back to to you.

04:26

So I'll turn to the canal and river trust first. So I'm Mr. Tucker.

04:34

conspectus on Tucker from Calgary buttress. Thank you. So I think we've we've noted your comments in

04:42

your relevant representation. And we've heard a little bit earlier today that negotiations are continuing and

04:51

we're not asking at this stage for details about

04:56

sort of differences of opinion over particular wording but just to give

05:00

As the flavor of how the negotiations are going, and you've heard Mr. Turney say deadline five for the agreed ones and how you're feeling in terms of the

05:13

of meeting that as a deadline. So it's just to get a feel of how the discussions are going. Yes, no. I mean, the discussions are progressing. progressing quite well. I mean, I'd be I'd be relatively confident that we could agree some it's certainly got a deadline five, I would expect.

05:30

Yeah. I mean, the way what where we're at at the moment is we've we've sent off some preferred wording, the applicants looked at that reviewed it and come back to us. And we're at a stage where we're reviewing that, but also the potential to have just a quick meeting and hopefully to agree details soon after that, to be honest. So it Yes, I mean, I think our discussions have been quite, quite useful and progressive, really.

05:57

Mr. Still, I can't remember the precise name, but in your relevant representation, there's a reference to your working conditions. So is that something that's going to be tied into the protective provision? Provision? Yeah, I think it's the trust's Code of Practice. Yeah, essentially, the code of practice, because obviously, third parties undertake, undertake works in our land, many different times, basically, and we have a prescribed code of practice, which determines, which essentially, is something we asked for parties to sign up to, in order to safeguard our users and safeguard our in a primary safeguard our users in terms of health and safety and, and things like water resources and what have you. So it's, it's a prescribed process, we, we, we typically ask for for parties to scratch to ascribe to it should also make it the process probably simpler, because it is a prescribed process. So it's

06:59

in terms of the way that it's written out. And

07:02

thank you. Is there anything else you'd like to add?

07:06

Before I asked Mr. Turney to just give his view on the progress of this discussions? No, not not. Not in particular. I mean, in terms of our in terms of our discussions, but the main point for us is the issue of regards to article 54, which, which I've discussed with me, or which we discussed previously, I don't want to repeat ourselves.

07:27

And then the other element is just possibly with regards to the approval of temporary plans and responsibilities on on the on the revenues. Just because obviously, at this stage, we don't know the exact nature of the works that are taking place. There. We've got a pretty good idea, obviously. But it's just making sure that there's no there's no surprises at that at that stage. But I don't think there's any huge disagreement with that with the applicant.

07:53

Thank you very much. Thank you.

07:58

Nothing further to add that reflects Okay, being made. Thank you.

08:13

So we'll turn to Northern power grid now, if Miss Wimbush is available.

08:18

Yes. Hi. We are quite advanced on our discussions with the African solicitor on the protective provisions for Northern Powergrid.

08:28

As of yesterday, we agreed that the protective provisions will be combined to cover both entities so northeast and Yorkshire will be covered under the same protective provisions on the drafting on those will be updated accordingly. I think deadline five is quite achievable in relation to where we are currently at at the moment.

08:49

Anything else that you'd like to add in terms of

08:53

any

08:54

potential sticking points?

08:57

I'm just waiting on a couple of final instructions from my client. But no, there's no real sticking points at the moment. Thank you

09:05

again to the applicant yet that reflects my understanding, thank you.

09:21

Actually, Miss Wimbush I just had one very specific question for you which

09:28

in the relevant rap, I'm not sure which 132 KV substation you're referring to and that might be me not being very familiar with plans but the the relevant rep makes

09:41

mention of a 132 KV substation that's going to be affected.

09:47

I will double check that with my client. I think it may be the main substation

09:57

that maybe the AWS bolt works

10:00

primary substation, but I will double check it. The representation is on behalf of Northern power grid, Yorkshire,

10:09

which

10:11

was a slight error in terms of it wasn't quite realized of which entities were going to be involved in this. But it will be taken us withdrawn as soon as the protective provisions are agreed and in place.

10:26

So if we could just have a confirmation to confirm that Yeah, yeah, thank you.

10:33

Unless national grid can help bridge turning for the African, we thought it must be as bold work, but we were used by it too. So we'll we can get that confirmation offline as well.

10:55

Um, I'm sorry, I'm just referring to my notes.

11:06

So yesterday, we held over a response on the progress for side agreements with national gas transmission limited and asset protection agreements with Yorkshire water, I think we're hoping for an indication of how those discussions are going as well.

11:27

Thanks to the applicant, and they are progressing. And I think at deadline one, there's a request for a submission of a tracker document on site agreements and say we'll provide a response on that then as well. Thank you.

11:42

So that's gotten much more quickly than I anticipated.

11:46

So thank you, for everybody for contributing so constructively, and it's good to hear that progress is being made.

11:54

Not always the case, though, that's, that's very useful. Thank you.

12:00

I just recorded that last action. That's, that's fine. Okay, so then on protective provisions, does any other party wish to raise any other matters in relation to shedule 15.

12:13

And then that will conclude item four of the agenda.

12:17

Where we've where we have skipped over items, they will be picked up and written questions or in subsequent issues specific hearings, so they won't, they certainly won't be lost. And I will now pass over to Mr. Jones for item five. Thank you, Miss Powis. Item five is a checkpoint for us to review actions and issues arising from today's discussion. I've been taking a note of the action points as we've gone through today's hearing. And we've got a draft of around 20. At the moment, I need to discuss those with my colleagues before we issue them. But in the interest of time, I don't intend to go through them in details today. But just to note that, we will write them up and there'll be published on the Yorkshire green page of the national infrastructure website as soon as practicable after today. And we would hope that that would be by close of play on Monday, the absolute latest, as we've said earlier, and important action as a result of today's meeting will be the submission of an updated version of the draft DCO and the explanatory memorandum at deadline five

13:23

also written summaries of submission.

13:26

Sorry,

13:28

I cleared as deadline three things like deadlines for I can't read my own writing

13:32

written summaries of submissions, but all really today from all parties are requested by deadline one, please. I will now pass back to him his powers for the last two items on our agenda.

13:46

Thank you very much, Mr. Jones.

13:50

Okay,

13:51

moving on to item six, which is simply an opportunity to mop up any outstanding matters that need to be covered today. We've picked up any other items that we want to do as we've gone through at the relevant points. So we don't have any other matters that we wish to raise at this point. But before I go

on to close this hearing, I will just check whether there are any parties present in the room today, or indeed joining us virtually you have any final matters that they wish to raise in relation to the scope of the development or the draft development consent order.

14:25

Mr. Mr. McDonnell, on behalf of National Grid, it was just one point of clarification. And it relates more so to yesterday and the actions that come out of that open floor hearing and just something we'd like to clarify. So when we discussed by the ways, particularly to British Horse Society, and the common debate, whether we could look to update plans to make it really clear on the bridleway point, the action that has come out and this is partly because we said we may not be able to do it on the axis and right away plans. The action that has come out refers to an update being made to the public right of weight management plan.

15:00

I'm

15:01

sorry, that's the only noise that's been picked up. Just to clarify, we do believe we can make the update direct to the access and rights away plan and that will probably be more preferred in general because it's in volume two. So, if that's okay, we'll clarify that in response, but it just is slightly different to the actual hearing actually asked for.

15:21

That's good from our perspective. Okay. Thank you for clarifying that.

15:27

Okay, and any other matters.

15:31

Okay, then. So as I said earlier, then the examining authorities first written questions will include questions on provisions of the DCO that we haven't been able to cover here today. It's also likely that we will hold A further issue specific hearing to include consideration of the draft DCO at a later stage of the examination, but thank you to everybody who's joined us in the room or by virtual means for your contributions today. And also to those who joined us yesterday, we found all of the contributions enormously helpful. So the time is now for 10pm and issue specific hearing one is now closed. Thank you.