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00:07

Good morning, everybody. We're getting the thumbs up now from the virtual side. So I'm pleased to say it's two minutes past 10. And time for this hearing to begin. Before we go any further, I will just look for the thumbs up from the back of the room that yeah, we're up and running with our virtual side, and that the live streaming has an recording of the gun. So that's great news. Thank you for bearing with us for a few moments there. I would like to welcome you all to this issue specific hearing three on the draft development consent order in relation to the application made by national grid electricity transmission limited for the Yorkshire green energy enablement project, which we refer to as Yorkshire green. My name is Jessica Powis, I'm the Lead member of the panel appointed to examine this application. I'll now ask my fellow panel members to introduce themselves.

00:52

Good morning, everyone. My name is Gavin Jones. And I am also a member of the panel examining this application.

00:58

Good morning. My name is Danny Coombs. And likewise, I'm a member of the panel.

01:04

Together we constitute the examining authority. And our role is to examine the application and to report to the Secretary of State for energy security and net zero with recommendation as to whether or not the development consent order should be made. With us today. Here we also have Sean Evans and Caroline Hopewell at the back of the room and providing support virtually as Jenny savage. So please don't hesitate to talk to a member of the case team if you need any help with the event at all. I'll run very quickly through some housekeeping matters because we do have a few. Actually, we don't have many new people in the room today. So it may just be able to quickly say just set all phones and devices to Silent please so we don't get interrupted and we're not expecting any fire alarm tests today. So if we do hear an alarm, we need to exit through the reception and out into the carpark

01:51

a few points because I know we have some people with us virtually who haven't been here for the rest of the hearings this week. So I will run through a few points.

02:00

For those virtual participants that are joining us if you wish to speak at any point in the proceedings, then please use the raised hand function and we'll invite you in to speak at the appropriate time. Or if we're not getting the message from your raised hand, please turn on your camera so that we will, we

won't miss the fact that you wish to speak. The hearing is being both live streamed and recorded and the recording will be available on the Yorkshire green page of the national infrastructure website shortly after this hearing. And so for the benefit of the recording, please those in the room speak clearly into a microphone when you speak. And when you're if you're observing or participating remotely, please background noise needs to be minimized by turning off your speakers and your microphone when unless you are speaking.

02:43

There's been linked to the planning inspectorate is privacy notice included in our invitation to this meeting. So we'll assume everybody's read that and familiarize themselves with it. It establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to a member of the case team if you have any questions about this.

03:04

We're planning to run today's hearing in two main sessions, which is different to the way that we've done things in the previous days this week. That's because of the finish time being slightly different today. So we'll plan for the first session to run from now until about 12pm. At which point we'll break for approximately 45 minutes, and then resume for a second session with the aim of closing the hearing at around 230. That's the aim to give people a chance to meet their onward journeys this afternoon.

03:34

Does anybody wish to raise any concerns with that approach? Thank you. If we can't conclude any of the matters on our agenda by that time, then we will defer some matters to writing and likewise, if people present can't answer questions that were being that we're putting to them in the time available, then please do respond in writing a deadline for

03:55

now going to hand over to Miss Coombs, who's going to help our participants to introduce themselves. Thank you Miss powers. So I'm now going to ask those of you who are participating today to introduce yourselves and if you could introduce yourself stating your name, who you represent and let us know on which agenda or DCO items you wish to speak. If you're not representing an organization, just confirm your name, summarize the interest in the application and confirm the agenda item again. We'll start with the applicant and its advisors. Good morning. My name is Richard Turney counsel instructed by Womble bond Dickinson on behalf of the applicant and I'm assisted by Charles Bishop also of counsel. And I'll hand over to the rest of the team.

04:40

Good morning. My name is Victoria Redman of Womble bond Dickinson and I'm here to represent the applicant National Grid. And I'll be speaking on agenda item four. Thank you.

04:54

Elizabeth Jones of Womble bond Dickinson here for the applicant and likely to be speaking on schedule
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05:03

Mr. McDonnell National Grid Senior Project Manager consents and likely to speaking on agenda item for

05:10

morning Steve, our National Grid widely speaking on various points.

05:16

Thank you. So now since my left and North Yorkshire Council

05:23

Good morning, Michael Reynolds, Senior Policy Officer for infrastructure in North Yorkshire Council, and online we have Fiona Hallward, Senior Planning Officer Andrea speaking as required. Thank you and I asked myself to introduce herself when I go through the virtual introductions.

05:43

there anyone else present in the room who wishes to speak?

05:47

So I'll move on to the those who are joining us virtually today, starting with parties who have informed us in advance that they would be participating by virtual means and so Miss Elwood, your first on my list.

06:04

Good morning, Vienna, Elwood, North Yorkshire Council, and I'll be contributing on

06:09

some of the items in agenda item four. Thank you.

06:15

And Mr. Baldry city of York Council.

06:20

Good morning, Mark Baldry development project senior officer at city council and I'll be answering any questions that you may have.

06:30

Thank you.

06:32

And Ms. White from Leeds City Council.

06:36

Good morning, Louise whitely city council, team leader for minerals waste and energy development. I'm here to answer any questions you may wish to ask. Thank you.

06:48

And Mr. Bellingham from national highways.

06:53

Morning. Thank you. Yeah, Paul Bellingham, in house lawyer at national highways are here to discuss a couple of agenda items. Thank you.

07:02

And Mr. Wilcox from the Environment Agency.

07:07

A good morning. My name's Matthew Walker from the Environment Agency Planning Specialist. And yeah, anticipate assisting around agenda item four. Thank you.

07:20

And Mr. Tucker, from canal and river trust.

07:24

Thank you, Inspector. My name is Simon Tucker, obviously for the Kern River trust and we wish to make representations on parts of agenda item four. Thank you. Thank you. Agenda Item four is going to be very popular.

07:38

Mr. Daines, also canal and river trust.

07:46

Perhaps Mr. Daines is coming this afternoon is that was that the message we got? Sorry,

07:52

Mr. Alston, canal and river trust.

07:57

Hello, I'm Alex dolostone. And I'm partner at Winkler showered advising the canal and river trust. And we have an interest in Agenda Item four, but specifically article 54, which is the temporary closure of the river, and part three of schedule 15, which is the protection provisions. I should mention that my colleague, Alan Dayne is not able to attend this morning. And so it may it may be that depending on where we get to things, he appears in the after noon only, and that I'm also not able to attend the meeting for the whole day. So it my colleague, Sam woods, and Simon taco will will deal with issues where I'm after I've had to drop off. Thank you very much for letting us know about that. And finally, on my list is Ms. Woods also canal and rivers trust.

08:44

Right, yes. Some words associated with quest Sherwood, Mr. Ellison has introduced the points that we work on, and I'll be here to provide support once she's dropped off. Thank you very much. Is there anybody else virtually who I've missed?

09:02

Though, to all parties, I'm sure you're all aware of this. But for the purposes of the recording, it's very beneficial to us if you can speak. If when you speak, you can mention your name and who you're representing. Thank you. So I'll now hand back to miss powers.

09:17

Thank you very much. Okay, I'll just briefly explain the purpose of the issue specific hearing.

09:25

So the draft DCR is an important document that is clearly a piece of draft legislation, which if the secretary of state decides to grant development consent, it forms the legal basis for the delivery of the proposed development. So it sets and secures the standards to which the development must be constructed and secures the environmental performance of the development. It's important to the examining authority because we are under a duty to provide the Secretary of State with the best drafted development consent order that we can even if we were to end up recommending that the Secretary of State should not make the development consent order. And that's because we do not decide this application. We make our recommendation to the SEC.

10:00

She have stated he makes the decision. So even if our report was to recommend development, consent should not be granted, we should still append a draft development consent order ensuring the Secretary of State could decide to make one if he did not agree with our recommendation.

10:14

This is the second issue specific hearing that we've held in relation to the draft development consent order. And it will, today's hearing will follow the agenda published on the 15th of May. So it would be helpful to have a copy of that in front of you. We will we plan to work through the DCO taking the articles and schedules in order, and we won't need to discuss every provision. But we will focus today on firstly, those elements that have been revised in the deadline three version of the draft DCO. And secondly, those areas which we know interested parties have raised queries or concerns within their written submissions. So in the first DCO, hearing, the examining authority was able to raise queries about the drafting of the DCO provisions. And we've subsequently received the applicants response to those queries. And we will return to some of those matters again, in future written or oral questions. But we were mindful that, at that first hearing, we only had city of York Council, we didn't have the other two councils. So this is the first opportunity in a hearing environment for those councils to raise any points. So we're going to prioritize that today in the time we have available to air the concerns or queries being raised by the parties.

11:23

So the an important action as a result of today's hearing will be the submission of an updated version of the draft development, consent order, and a schedule of changes by the applicant. And the next point of which that happens is deadline five, which is the 11th of July. So in almost all cases when we talk about actions arising from today will be in terms of updates to the DCO at deadline five unless we discuss otherwise.

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In terms of a couple of preliminary matters. Before we move into the detail of the DCO, I just wanted to flag. Firstly, the list of actions from the last two days of hearings are now all published on the website. So that includes the compulsory acquisition hearing actions,

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I'm told they've just gone up so it may take an hour or so for them to appear on the website, but they're there.

12:11

And we will obviously be taking a list of actions from today, which we'll endeavor to get up as soon as possible.

12:17

The draft development consent order has already come up at various points in our discussions over the last couple of days. And we've been keeping a note of any areas that have been covered in those two previous hearings that we may need to have returned to you today. We will weave those in as we work our way through the draft DCO. But there are three particular points that we just wanted to cover before we start the exercise of working through the development consent order. So we'll take those now.

12:42

The first relates to the question of whether it would be appropriate to secure a commitment to some kind of site specific construction stage mitigation plan or scheme for the travelers site.

12:55

So we raised this when it first I think it first came up finish to and again in the afternoon yesterday in relation to the compulsory acquisition matters. So Mr. Turney, or maybe it is maybe it will be used for this one. You're gonna give us an update after you've given it some thought overnight. So do you have anything to report? Rich attorney for the applicant? Yes. So we're going to propose a requirement for the submission of a site specific scheme. So we're not proposing that there will be a scheme drawn up now submitted into the examination for and referred to as an approved document, but rather, there's a requirement for the submission of a scheme, which will reflect the fact that once the contract is on board, they will be able to better identify how the measures in the CSCP. And any further measures that are required will be tailored for that particular site. So a new requirement in the next version of the DCA, we haven't yet drafted it. That's fine. That's what we wanted to hear. So that's great news. Thank you very much.

14:01

Obviously, there are

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similar types of requirements that have been used in other cases that you'll be very well aware of. So we'll look forward to seeing the drafting on that. But in working out, but if there is the opportunity to work with Mr. Carruthers, then all the better.

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But yeah, we'll look forward to seeing that and I'm pleased to hear that it would be on the face of the DCO.

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We don't have Mr. Crothers today, so I won't bring him in. But Miss Coombs, you did like you were about to contribute? Well, I just wondered if there were any other sites where you thought that this might be appropriate any other areas in the

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in the whole alignment?

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Bridges only for the applicant? No, we don't think so.

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We appreciate that. There are areas whether a particular landowner concerns

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but those are really more about the interaction between

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businesses and their operation.

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And we think that those are better dealt with through the negotiation process over the rights that we're taking over that land. Whereas in the traveler site, we've got that direct interaction with residential caravans, which we think justifies a particularly focused approach on environmental mitigation measures. And in circumstances where perhaps the sort of

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the negotiations over property rights might not resolve those matters. And there needs to be or there's a justification for a more objective assessment of how environmental effects will be managed. So we think it is just that location. And and that's having regard to the fact that there are other areas of sort of hotspots on the on the scheme where we realize Particular attention is required. But we think that that sort of

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specific environmental mitigation focus is most sharply felt that that's very helpful to have that differentiation. And just one point, I think when we gave our sort of initial thoughts, we talked about community liaison as well as environmental mitigation. And I think we'd probably be hoping to see something

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covered in the way that the new requirements is drafted that that because community liaison is, for the reasons you've given Mr. Turney community lay as someone who's also different in that that area.

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Originally, if that begins, again, thank you. We'll pick that up when we come to the detailed drafting to make sure that that's reflected, I should say that there is community liaison in the general measures in the CSCP. So we would anticipate that the specifics for that site would include that anyway. But we'll see if we can have a form of wording that gives you that reassurance.

16:51

Thank you very much.

16:54

Mr. Jones, were you seeking to come in there? Or are you just I was Miss Coombs, is raised the very point that I was going to raise about a commitment to liaison with the travelers community. So she took the words out of my mouth.

17:08

I think that is that if there are we obviously you're aware of the standard provisions around community liaison, but if there are particular ways that lead that lead and needs to take place that is that are special or unique to that site, then they should be reflected in that requirement. I just can't pass I think it's those people as well is an important point. Yeah.

17:27

I just quickly pop to North Yorkshire Council on that, if you have any, any points you'd like to make about that future requirement?

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Michael Reynolds NYC, I don't. At this point, we don't have anything to say about that. I think

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it does bring us on to the second point that we wanted to just come on to, which we've already, you've already helpfully given us some of your thoughts about which was

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the point about some of the access hotspots, which we've we've talked some of which we've talked about a fair amount over the last couple of days. So locations where there are particular particular

potential for conflicts during the construction phase due to the access arrangements and, and largely it's about existing commercial operation, but it may also be about residents in very close proximity.

18:17

And we know obviously, there are already the various commitments in the management documents, particularly the code of construction practice. But we think it was recognized yesterday, there's a small number of locations that where there may be some benefit in in a commitment to an enhanced level of liaison with the affected local communities or businesses or landowners.

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So, Mr. Turney, does the applicant accept that there may be a need for an enhanced level of liaison with those people in a small number of hotspots?

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Rich Tony, for the applicant, I think.

18:52

I'm not sure it's enhanced over what we would intend to do. But I think certainly we recognize that we might sharpen up the wording in terms of what community liaison over access arrangements comprises. So I don't think I don't, I think we need to be more explicit about about what we would do, but that probably lies in cicp or ctmp,

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rather than on the face of the DCO. But we've there is provision for liaison there. I think it's not as explicit as you might hope for. So we'll look at that wording and see if we can give a bit more reassurance around that. Thank you, then that's what we had in mind in terms of security would be just looking back at what's in the cicp or the ctmp. Okay, so that's noted.

19:40

I suppose if I could just come in there as well. Yes, Attorney. Mr. Attorney, you heard it term issue specific hearing to that. Mr. Roberts of North Yorkshire Council highways expressed a wish to certainly to meet with you on site and see some of these accesses. In person as it were with you to have just go

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shins on site now, clearly, we're not expecting all 100 Plus access points to be looked at. But again, if these hotspot ones if if and when you do meet with Mr. Roberts, I think where's the XA? Would would appreciate early, early notice of the outcome of your discussions on those.

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Rich Richard Tony, for the African? Thank you. Yes, I think

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we were, as I think we said, we are going to have a workshop with Mr. Robertson, his highways colleagues on the week after next. And there's the potential that if necessary, from that workshop, we'll arrange for site visits.

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But I think just to be clear on our position on this, as to the sort of principle of the accesses and their location, I think, we we feel as though we've provided enough information and assessment so that at this stage, I redevelopment consensus stage, there doesn't need to be any further sort of site specific examination by him in terms of measuring visibility's plays or anything like that. We've done that work. I think if his point is more around, understanding the detail of the proposals to each access,

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we agree that that will be at some point required. And

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that,

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certainly under the approval that's anticipated in requirement 14,

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which is for the approval of

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any new or existing means of access to a highway,

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we would expect that there may be when we submit those details, there may be a need, if there are particular issues for onsite discussion. So

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I think I'll just go back to the point that

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we made briefly in the session on traffic and transport that the location of those accesses and the principles of using them and our method of assessment in terms of their suitability, and matters that we think we have properly engaged with North Yorkshire Council on already and that's recorded in the in the environmental statement, particularly at table 12, five, and 12.5.

22:12

And

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what we think we're now in is a discussion that's pre-empting. Well, first of all, dealing with any clarifications that we need to give, but secondly, pre-empting, those approvals rather than going to the principle of developing consent. Sorry, there's a rather long answer, but I just want to make clear what our position was on that site-specific engagement with North Yorkshire.

22:35

Okay, Mr. Tony, I understand the point you're trying to make.

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Thank you, Atkins. I just I think from our point of view, it's we accept that, but it's about how those worst case scenarios can be narrowed down. And that potentially would involve discussion on site with the highways, relevant highways department.

23:01

Rich said if the applicant Yes, I think there are some locations that I think we've already touched on where

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where on site discussions may be helpful. So certainly not ruling that out. It's just more making clear that from our perspective, this is about

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the delivery of the scheme within the parameters of the order, rather than about what are the parameters of the order.

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So taking hedges as an example, when we come to the biodiversity and AIA side of things, then there's obviously an intention to minimize effect. So I think what would be helpful to ask is just I'm not we're not asking for anything further in any of the documents. But just if we could have just a statement that can give us some reassurance that there would be a process in place that would

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allow, ensure that the maximum

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widening of a bell mouth wasn't undertaken if it wasn't necessary.

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And I'm sure it's there, but I think if we could just have that sort of set out for us it would be helpful.

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Okay,

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we'll move on.

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Just conscious in that discussion. There's obviously when we're talking about action points with access points, we're obviously talking

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in terms of the council's interest more in terms of the highway safety, I think they were doing the highway safety check is quite distinct from the other access point questions that are being raised in terms of more in terms of disturbance to commercial operations and just disturbance to living very close to some of these access points.

25:00

They are two separate matters, but I, I'm completely on board with what you're saying Miss Coombs. Okay, the third point that we wanted to cover was something that we raised, I think, towards the end of yesterday's hearing, which was in relation to the land officer and agricultural liaison officer. And again, it's not actually entirely unrelated to the community liaison points that we've just been discussing.

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We talked about, I think the outline the issue yesterday, but for the benefit of anyone who wasn't here, it's just about the fact that those roles are currently secured within the outline. So mitigation plan, but actually are potentially being relied upon for much wider purposes than just relating to soil management.

25:42

We talked about maybe the definition of those roles, the commitment to them, particularly in relation to the agricultural Liaison Officer role. And then we talked about the appropriate place to secure those. Mr. Turney, would you like to come back on that now, registering for the applicant? Yes, we looked at that overnight, and we will spell out in the cicp, that those particular roles in terms of the agricultural liaison officer, and also the land officer, just by way of headline, the ALA agricultural liaison officer is someone who would be employed by the principal contractor, rather than by national grid. And that's to deal with the day to day liaison between the contractor and the person with interest in land. So, broadly speaking, the farmer. And that's sort of dealing with the practical implications of the project being constructed on the farmland and the interaction with the workings of the farm.

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And that would be someone whose contact details would be available to the person who's farming the land.

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And then the land officer is not the national grid side. And that's concerned with the

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conditions for access for taking of land for possession of land,

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and dealing with matters relating to compensation or claims for losses. And that would be another source of another point of contact for the landowner in the project.

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So there's those two different roles.

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We're proposing to keep the reference in the soil management plan, because there's a specific role for the alo in respect of soil management. But we're proposing to have those roles spelled out in the cicp and described.

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Thank you. Sorry, currently, the reference to the alo says May, though, that would need to be removed. That, yes, we're happy for it to be a will. It's it's a requirement that we're seeking to impose on contractors in the procurement process that is going on at the moment. So

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I think it's just a case of making sure it's in the cicp

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expressly, rather than just being picked up in that document.

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Thank you. And we raised a couple of the points that we would like to see in the definition of those roles, if possible, which would include things like the point at which clarity about the point at which those roles would be appointed, and for the duration of their appointments. So when those when their roles would effectively

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stop.

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And also maybe to consider as part of that work, whether there is any role into the the operation period, obviously, that that wouldn't sit naturally under the cicp. So you have some thoughts on that now, Bridgetown, if the applicant, so the alo would be in respect of the construction period only. So that would come to that role would come to an end, once the contract was handed over the infrastructure to national grid. But the land Officer role is an is an ongoing was an ongoing activity, that there are people in National Grid, some of whom you've heard from who engage on a daily basis with landowners where national roads infrastructure is cited. So that's a continuing a continuing role. But the ILO is concerned with is, is at the contract to point the person who's constructing the project and when they hand over the keys, the arrow will will go as well. And so would the cicp cover the fact that that the that the land Officer role would continue?

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I'm not sure it would, but perhaps we can think about whether wording could reflect that that is that there are there are the lands team and attract is doing this. Yeah, every day across the whole network. And so

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they have ongoing relationships with the people who host it to put it that way National Grid's infrastructure. So I don't think we can certainly reflect that in in we can provide that information to the examining authority. I'm disinclined to suggest that this

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DHCP should contain should be read as containing obligations that continue after construction. So am I. So I think it's just about even if it is just about information about the way that National Grid functions in the operation period, and that may not sit in the COC p, but that explanation may be a

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something that comes in a post hearing submission.

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So that we're assured that there's we've talked, haven't we, we've seen on site that those tracks that would be content, main retained for those operational phases.

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We'd also find it useful to understand what On what basis people are employed. So for example, if they are full time roles, or as a sort of minimum standard of how much time per week, month year would be available for those people to be appointed upon,

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ie how much the project would receive of their time.

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This is Attorney rich, Tony, for the African just say that we gave that some thought as well. And I think we've, what we propose to do is provide that by way of commentary as well, rather than spell that out in the CSAP. Simply because the need that there may be points where a lot of resource has to be deployed. And there may be multiple people engaged. And there may be periods where there's far less required, so we wouldn't want to sort of commit to a level of resource in the CSCP. But we can provide some commentary around that, I think, okay, thank you.

31:27

Okay, I think that covers all of our points under that.

31:32

Excellent.

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Does the council have to anything you'd like to come in, you're not indicating Mrs. Sorry, bad, pick up your drink. Thank you very much. Okay, we will move on them.

31:42

We're going to move that into the DCO itself, and just for everyone's benefit, and so we don't have any confusion, then just to note that it is revision C of the applicants draft DCO that we'll be discussing today. So in the examination library, that's reference, our EP 3004 for the clean version, or our EP 3005. For the version that shows the track changes.

32:06

I'm working off the track changes version, because that's the one that I find helpful for today's purposes. And in addition, we are likely to refer to the revisions see of the explanatory memorandum, which was an also an updated version at deadline three, which is rep 3006.

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So We're on Item four a now and

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we have please take those documents as read from our side. So we don't need you to explain the deep changes in detail at this stage. But we just just want to, we did just want to provide an opportunity for the applicant to make any preliminary comments before we delve into the detail regarding the revisions that have been made. And to highlight anything notable that at this early stage, we can just go straight in. So over to the applicant

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reached out if you haven't, I'm happy to go through the changes. But from our perspective, we thought we could probably go straight in because essentially, they are points which have I think we'll pick up anyway. And as we go through. That's that's fine. My perspective and probably the most efficient way of doing it. Also, just to note we've we've got your comments at deadline three in response to all the parties who have come in at deadline to with responses to our written questions. So we've read all of that, and we have that in front of us as well.

33:21

Let's dive in then.

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So first thing to note is under Article Two, which is the interpretation, just to note, we have a few new definitions in there. The first one being the dassie being defined in there and that we know links to the new requirement 18.

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We don't have anything to raise on this, but please do. We are doing we require any any explanation. But

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these, anyone do put your hand up as we go through on this. We also note that elevation plans has been added. And that's the link to the article five on limits of deviation, which we're clear on. And we note the update the environmental statement definition, which is to the approach you've taken, which we discussed in day one, which is about bringing in the agenda, part one and part two, and any others that might be forthcoming, I would be added in there, we did talk about the option to consolidate all of our data and agenda into a single document. Is that something that you're willing to look at the next version?

34:22

Originally for the African? Yes, we will look at that. And if that happens it there'll be a further change to that definition of thing. Thank you.

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We note that there hasn't been a change the definition of maintain,

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which was something we raised at issue specific hearing one. I'm not I've read your response. I'm not going to come back on that now. But I would just like to give the council's an opportunity to raise any comments about that. So this is the definition of maintain. Which includes the reason it's important is because

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There are provisions that relate to maintenance and allow certain maintenance activities. So I just wanted to allow them North Yorkshire and Leeds City Council to raise anything at this stage on the definition of maintain.

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Would it be helpful if we had the DCO? up so we could all see exactly where we are? Could we could we do Mr. Hughes? Thank you. I think probably the track change version is the

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Yes, please.

35:25

Thank

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you can tell by I was reading it, then. I don't have any other instructions on the issue of maintain. Okay. Thank you. And Miss White.

35:38

Thank you, Mr. Hughes.

35:42

Just read it quickly. I don't think I've got anything in particular.

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It obviously doesn't relate to planting desert. It's other matters.

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We did raise a question about that. And it's I think it's the responses in relation to the requirements to cover that within the requirement wedding themselves. I think that's something we're satisfied about. The reason we raised it last time is because the definition that is quite wide,

36:08

and is wide by comparison to other DCA O's of linear projects like this. But we've had the applicants response on that we're not going to spend more time on that today. Or we may come back and writing again. And if you did find that there was something you wanted to raise, you can always do that a deadline for

36:23

this. There's something that's occurred to you now, Mr. Reynolds, you're welcome to do that.

36:28

I suppose it will be picked up in that wider point, but it's just the word improve, I suppose is improved particularly.

36:39

That's one we also raised before

36:43

in previous in terms of what it materially is on.

36:48

Okay.

36:49

We'll move on, unless the applicant wants to come back. Now. The next one is just about the definition of mpg, which was responding to a point we raised last time about who is MPG we now know who MPG is and the references made to their particular works, which is all clear and we're fine with that approach.

37:08

The next one is parameter plans, which we note links, again to Article Five on limits of deviation in response to some of the discussion we had at the first issue, the first DCO hearing.

37:19

I had a quick one on temporary construction works definition that

37:26

we're on page eight, if that helps. Mr. Hughes is not a miss not attract change this one. Yeah.

37:33

So it that definition and basically defines 10 pre construction works as the temporary construction compounds described in schedule one, but then when you go to Schedule One, there, they're not described in any way. So I think we've basically, this has come about thinking about that the queries we're having from people saying, what what does the timber construction compound look like? What might be the effects of it? And it's not very clear, what we might see to local people asking, and, and others and the landowners asking what might comprise a temporary construction compounds. So we felt that

38:05

we're not asking for an improved, necessarily an improved definition, but perhaps to consider

38:13

whether the depth the description in the in schedule, one of the works when it says For example, the installation of one temporary construction compound, whether there might be a way of expanding

38:25

the description of what that might include. I know that obviously, we have the project description chapter and we have cicp, which provides some details whether some of that detail should come into the face of the DCA,

38:39

a rich town for the African will, we'll certainly look at that, what I would just draw your attention to is, although it's under the heading of associated development, there is then a very lengthy description at

38:50

that I under associated development of what works as ad would take place within a temporary construction compound. So you do get a sense of the kinds of activities but we'll look at whether there needs to be more detail in the sort of main works. Yeah, it may be that you have some of that could be brought into the main work description for each of those temporary construction compounds, especially considering that we have three what are we up to local authorities with TCCs within them?

39:17

There's nothing else under Article Two. So unless anyone's going to raise a hand we'll go straight on to the next. Mr. Reynolds.

39:26

microbials NYC I should I should say overall, before I mentioned this, I don't think we're raising anything that we haven't raised privately with the applicant solicitors who have been very helpful in providing their answers beforehand, but I'm going to raise them anyway. If that's okay.

39:45

There was a question excuse me, in relation to some of the definitions. In relation to the plans additional definitions for elevation plans environmental statement parameter plans do not include

40:00

The wording uncertified by the Secretary of State, we wonder if that needs to be clarified.

40:07

Thank you. So, um, I think these are documents to be certified under Article 48, which wouldn't say you said elevation plans, it was elevation plans, environmental statement and parameter antonyms. So

40:22

elevation

40:28

environmental statement, we will definitely be coming up, coming back to because that's a point we've raised as well.

40:35

Elevation plans sit within the design drawings, the design drawings are secured, and the same parameter plans. So it's better to err on the two points be satisfied elevation plans on parameter plans are secure. That is, that is not an issue. But it's the yes, that is not in the foot in the article 48 list of documents to be certified. Thank you. Hey, we'll come back to that. Thank you. I should add as well, we've so

41:03

Mr. Reynolds, you will have had the deadline, three responses on this specific points that you've raised on the various articles from the applicant. So at some points, they will come back to you and see what do you think of that the response to you've had and whether they that actually moves you towards being able to be satisfied.

41:21

We note

41:23

that Article Three has been amended to add in part eight and nine, is there anything applicant would like to see the outcome just explain what's why that's been amended.

41:44

The average salary for the applicant. So this is just two.

41:51

To bring, I think it's just for clarity, really, it's to bring the definition of the development consent in line with what said in respect of the limits of deviation.

42:06

And

42:08

making clear that the order

42:12

takes takes effect over those provisions. There's contrary provisions which are overruled by it.

42:21

Thank you.

42:27

We don't have anything on Article four.

42:32

And then on Article Five, we did have quite a long debate about limits of deviation in our last hearing. And we noticed that you've made some revisions in there. There was one point we wanted to pick up which came from issue specific hearing to on Wednesday, which was when Mr. Fowler told us that when we're talking about landscaping visual that

42:56

Article Five one C only only applies to new pylons, not pylons to be modified. But that doesn't seem to be consistent with the way that five one sees actually drafted. So we'd wanted to clarify with us whether that's correct interpretation

43:10

that originated for the applicant that that is correct in the sense that we don't propose any upward variation in the pylons that have been modified.

43:22

We don't necessarily consider that that needs to be reflected here because of the scope of the works to those pylons anyway, which wouldn't anticipate a an upward variation. So re conducting of a pylon

43:36

obviously doesn't comprise raising its height. So the works that have been authorized by the order, in any event, don't include

43:44

the

43:46

raising the height of the pylon.

43:49

But if you felt that needed to be spelled out, we can, we can do that.

43:56

It was just whether it's necessary to do so. But we don't, we certainly don't intend to have an upward limit of deviation that would suggest that we could raise the height of the pile on that which simply modifying that's helpful. And I think we understand that now. And even more so having been on site and looked at the pylons to be modified, but I think it's not necessarily clear for somebody picking up the order that that's the case. And certainly in our initial reading of it, it wasn't clear so I think it is something that maybe needs looking again at

44:34

just to consider whether if it's not if it's not a direct change to the drafting whether it would be a change to something in the EM, they explained by reference back to the project description very least.

44:49

Okay, we will please put a hand up or shout if you want to come in any of the other parties or indeed the applicant of this. We don't have anything to raise on Article Six

45:00

Article Seven

45:03

we have and we have a take of Article Seven. Mr. Rendell no, sorry was that it was article five of Article Five? No, no worries at all. I just wanted to give you an opportunity to bring something up as she she needed it. Thanks very much. Miss Elwood, would you like to come in on Article Five?

45:23

General North Yorkshire Council? No, I think we're, we're okay. I think it was just, we did raise some points on the, I think on this on the questions that were raised. But but to think of the, it's been discussed with,

45:41

with national grid that is actually covered in other plans. So I think we're okay on that.

45:48

Thank you.

45:51

Okay, so nothing on six, nothing on seven.

45:56

Nothing on eight, nothing on nine, nothing on 10.

46:01

Nothing on 11. And then we're aware that North Yorkshire council had mentioned that article 12 was something that they had concerns about, which relates to the application of the 1991 Act.

46:15

Mr. Reynolds, do you want to come in there?

46:19

Yes, thank you, Michael Reynolds, NYC.

46:23

The ago we've been having these we've been having the discussions offline. At this point, we still have to say that we would resist the desegregation, the 1991 Act. We are aware in our response to the questions. We said that it's the provisions being disapplied that we would have an issue with and if they were they would have to be put into the construction traffic management plan or what some other form

46:51

to allow us to be able to rely on one that gives us

46:59

and I've seen it, we've seen the response.

47:04

To that question, which pathway is it? There are elements of the need for the project and the part of the applicant has pointed to other areas in the dcl? We haven't provided we haven't been asked to a DCi way that the 1991 things have been disapplied. They have very helpfully pointed us in the direction of their document, that memorandum of understanding is an exponential manner. And

47:32

which points points to I mean, that's an examination document. So it hasn't just been provided to us. But it's been pointed out to us and we will. So they're provided us with a way of

47:43

continuing to talk about this.

47:46

But we will have to continue to talk about it and just satisfy ourselves that everything that we need to see is covered properly. We're not in a position yet to do to do that. But we have been given a way forward with it. Thank you. And there's we note that the explanatory memorandum has now the addition

of sheduled long schedule at the end, which takes us through some of the where the powers of disapplied in the order were at whether they're found or compensated for elsewhere. So

48:16

we take that as

48:19

a hopeful that the EU might find a way to reach agreement on this with the applicant like to come back on that point.

48:28

Bridge, it's only for the applicant. That's that's very helpful. I mean, we've we have set out in the explanatory memorandum, how the extent to which there is a dis application of the 9091 Act, which is not a complete dis application. And I think it's probably something that we can usefully discuss with the council and the other authorities as well.

48:50

Ensures, as we've already explained, we do think it's appropriate to disapply some of those provisions in the 1991 Act, given the national significance of the project and its urgency. But that's not to say that

49:06

there's a complete a variety of the interests of the highway authority and I think what we can do with with the authority is worked through how we say this would work in practice and the controls that they have both under the DCO and under the other provisions in the 1991 are which are not disapplied. So we will

49:25

work through that and see if we can reach agreement.

49:28

Thank you

49:34

I'm get I can see we have a hand up for Mr. Bellingham. And I'm going to bring you in in a moment Mr. Bellingham. I wanted to check while we're on this point whether he is or the other councils wanted to raise anything in relation to this matter.

49:46

Mr. Ball dream, Miss White

49:52

I lose my city council.

49:56

Well I've crossed by all this information through our highways offices and they haven't

50:00

raise this issue.

50:02

So I'll leave it at that. Thank you. Thank you.

50:06

Not Boulder City Council, similar position to lead.

50:11

Our highways engineers

50:14

have been engaged and they haven't raised this with either me or the applicant. So thank you. I will bring in Mr. Bellingham, then now, please.

50:26

Yes, thank you. I don't have anything to add a search. But just to

50:32

sort of confirm that I was support for the position that Mr. Reynolds has put forward, we tend to take the same view with regards to this article. And apologies, I do note that you asked questions on a number of these articles. But because they were directly that the local authorities, we missed them, so we didn't respond them ourselves, the National Highway. So we would have made these points at that point. And I'm happy to put something in writing

50:57

as part of a sort of post post here and submission, if it would be helpful. Thank you. And sorry that we didn't include you in that those lists yet. So if you'd like to respond on those specific questions, then we'd find it very helpful. If you go back to the questions, and then in your submission, just include the question numbers, it really helps us to track back to which questions you're responding to. And if you can do that by deadline for then that will be very helpful, because it will give the applicant an opportunity to take them into account in their next draft of the DCO.

51:26

Yeah, that's fine. We could we can do that.

51:29

Could I just sorry, apologies. Before moving on. Can I just mention something on Article 11? Appreciate you with pastels. But

51:37

I just wanted to mention, there's I suppose there's an underlying theme to all the points that that I would want to make on behalf of national highways. And it's around safety issues. As I mentioned yesterday, we've got no in principle objection to this application. But what does concern is that there are a number of articles that give power to the applicant to enter carry out works or otherwise interfere with the highway network. And that does include the strategic road network, the SRN.

52:03

So obviously, there's an interest to is there, there's a concern there. Ordinarily, we wouldn't just let anybody come onto onto the, onto the SR and carry out works without appropriate approvals processes in place. So we do have concerns that those may be bypassed

52:17

as a result of, you know, the DCF being made in the in its current form.

52:23

And there are different levels of protection afforded to us so far appreciate protective provisions have yet to be agreed, and hopefully something will will go in there to give us a level of protection on that front. But with regards to these articles, and around around streetworks.

52:38

There's the Deem consent provisions, which I know that the local authorities have also raised raised concerns with our starting position with Dean consent is we don't like it, we don't agree to it. And, you know, we would object to those, those deemed consent provisions that apply in towards. So that's that's the point I want to make, not just with regards to this article, but you know, all of the ones where it's relevant. And I'm happy to pick up as we go through if that if that would be helpful to you.

53:07

But yeah, I guess I can I can leave it as a bit of an over overarching comment for now. And then if you want to ask anything specific as we go through, I'll be happy to answer. Thank you. That's very helpful. In fact, we were going to raise that under the next few so article 13, and 14, so you found preempt them, I'm taking that as a clear position that that you said applies also to those other street articles. So yeah, that's fine.

53:36

We know what you've said about your protective provisions may help to give you the protections that you need so that actually article 11 can stand as it is, and we know that your negotiations are still underway. I'm just gonna ask the applicant to come back Mr. Bellinger while the points you've raised. Richard any for the applicant. So in respect of I just want to make clear in respect of article 11, article 11. One is the we can do it without further approval. But that's only the streets listed in schedule six, which don't include any parts of the strategic road network. There's a slip road, there was a slip road so it's only in respect of a slip road. Okay.

54:12

Will I identify that particular issue? Then?

54:19

Say Mr. Bellingham, I think is only in respect to the a a 64 westbound slip on a surface six Yeah, of scholastically 64 westbound slip, which I think

54:30

was on parts of that slip road are in the control of the national highways. Yeah, we know where that is. Okay, so, Mr. Bellingham then Yep, as you'll see article associated with six picks up and lists those street works. street by street so perhaps you can, I don't if you want to come back on that now. But is there an if there's anything else that plainly, you think does all within the SRN from that list if you have it in front of you? In fact, maybe we should bring that we'd bring that up briefly. It's just sheduled it

55:00

Next,

55:02

I suppose I might show to help you because I'm never 100% Sure which your SRM rose himself or mother best,

55:08

necessarily straightforward. So that's what it is. That's, that's where they're captured. Yeah, so it's

55:16

it's not. I mean, obviously, you know that any any any roads that are part of the street or road network are important. And we want to make a point with regards to that. But it was a more general point to the kind of the catch all provision that sits under subsection two, which can apply to any of the streets within the order limits.

55:36

I appreciate the need to consent at the street to authority, but then there are those deemed consent provisions attached to that. So there is a risk that something could get missed.

55:47

Thank you.

55:48

And

55:51

if once you've had a chance to review that then please do make any further comments on these specific streets as well in your deadline for submissions. Shall we deal with the deemed consent provisions and the top those timings? Now we can maybe do it on a

56:07

we know this applies to article 11.

56:12

Article 13 and 14.

56:17

So should we should we allow that one to be aired now? Because we know we have comments from the council's on that lesson in this the outcome was cut back on anything else that was said by Mr. Bellingham then. Okay. So we've heard what Mr. Bellingham said.

56:31

Mr. Reynolds, would you like to raise this one? I know, I know, it's been in your written submissions. This is just specifically on the point about the deemed consent that if after 28 days after the application being made that consent would be deemed and I know, there's been some talk of a longer timescale?

56:47

Yeah, that's right. Michael Reynolds NYC, I think in articles 1314 16. And I think 21, there's this deemed consent 28 days.

56:58

What there's, there's a wider area of discharge of requirements that they can schedule for, which we'll, we'll pick up later. But it were in specifically where this is brought under the highways, we would always ask for more time for that. We have had discussions with the applicant. So this is about how that

57:18

about how that it might be.

57:21

We might get

57:23

consulted beforehand and a bit there are some elements within that. And I think because if article 54, where I might be able to have shouldn't have said that might begin that well.

57:36

There's there's also a prior notification requirements. But I still think that we still think that that might be tightening up a bit because at the moment, 28 days would always be a bit on the short side.

57:49

Thank you.

57:51

And we've picked up some similar points about effectively a kind of pre application or a like you say a prior prior notification. process. We've also seen that raised by the city of York council.

58:07

So I asked you to have your now.

58:10

Mr. Beaudry. Do you want to come in on this as well, since we're talking about it?

58:15

Yes. I'm sorry, Mark, Boulder City Council? Yes. I think the primary concern from colleagues in highways was always the notion of the deemed consent element. And in the grand scheme of things, the relatively short timescales and in our sort of response to the written questions from previous sessions,

58:39

I think we've we've outlined what our,

58:44

like standard working practices would be in that regard.

58:48

And as sort of alluded to the, there have been discussions around sort of front loading of the process, but I think the from from our perspective, it's it's the as there are in a number of areas in the DCO. It's whilst we appreciate the time sensitive niche, drove the development, it does sort of feel as though a number of the time limits generally to some extent, sort of put the local authorities under the cosh a little bit. So that's, that's where we are.

59:21

And is it there's I've seen submissions about 42 days or something in that in that realm being more deemed to be more appropriate. Yes. So that that's the the thought to do days is the sort of timeframes our highways that our Highway Authority work to for those types of Neurotropic patient.

59:46

Thank you.

59:48

Before I come back to the applicant, Miss White for Leeds City Council, would you like to come in on this?

59:54

Yes, in response Louise whiteleys. City council in response to the examining authorities question

1:00:00

shins, we'd also recommended that a longer period should be sought.

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In particular leaders are very busy. The authority, not just others aren't but the highways authority as well. So to have a guillotine clause, which effectively allows them to do something after 28 days,

1:00:19

is unacceptable to us, and a longer period would secure

1:00:26

hopefully an approval within a longer period of time. Thank you. Thank you, Anna used are you also talking about an extension of the tweet from 28 to more like 42 days? Is that the sort of timescales that you would find acceptable? Yeah, we've sort of likened it to a reserve matters planning applications around eight weeks, which could be what 40 days. So yeah, something around the 40 to 42 days would be more acceptable for us.

1:00:54

What I will say is that we wouldn't wish to delay the scheme and deal with it as soon as and as swiftly as possible, but with the business of the local planning authority on the higher authorities, it's unlikely that we get something back to them within that period. Thank you. Thank you.

1:01:12

I can see Mr. Bellingham come wants to come in on this to sidewalk and I am Mr. Jones as well. If I can just come in, if I can just come in first, whilst we've got this wide, just so we're not laboring under any misapprehensions is why you refer to eight weeks, 40 days, that would obviously be eight, eight weeks of working days, presumably 42 days would be just 42 days, I seven weeks. So I just want wanting to be clear that 28 days or 48 days would be just purely days, it would obviously include Saturdays and Sundays, rather than it being I don't think that working days have been specified. And we slightly sit down Council nope, sorry, I completely appreciate that point. That takes my comments take into account weekends, obviously, which aren't working days. So I think obviously, what Mark refers to the 42 days will be more appropriate to allow us that more leeway. Thank you. Great. Thank you. Thank you, Mr. Jones. Good point. Mr. Bellingham, would you like to come in on this as well? Yeah, thank you for going on national highways, just to sort of give a little bit of justification for the position that national highways are taking, I understand why the applicant wants it, they don't want any of you later that can do delay to that to that to their project. But a couple of issues that we have with it is one we have,

1:02:29

you know, a lot of this work isn't done in house, it's done by consultants, we have service level agreements in place for them to turn things around. And they're longer than 28 days. So So you know, we would struggle to to adhere to that. And also, we're within this region alone. And bear in mind, it's the same people within the organization who therefore deal with everything we've got for dcl applications ongoing at this moment in time are all running into very similar timescales. So you know, assuming they all get their decisions at a similar time, and then all wants to construct a similar time, although they won't be impacted in the same part of the network, they will be impacted in the same members of staff within national highways. So there'll be a lot of competing projects or, you know,

looking guests, you know, all asking for this for the same sorts of thing. And it will just become impossible for us to to respond. So

1:03:22

all that will happen, unfortunately, is is that there will be refused refusals being issued, because just won't be able to deal with them within the 28 days. So it may actually help the applicant to have a longer period here. And to get a more positive response out of perhaps the national highways.

1:03:40

Thank you very much for those submissions, Mr. Bellingham.

1:03:45

Just before we move on from that, Mr. Bellingham, is there a time period that would be acceptable to you?

1:03:52

Well, no, I mean, the position of national highways isn't that we don't think we should be subject to deemed consent due to the safety concerns associated with such anybody wants to carry out works, the strategic road network should go through the appropriate approvals processes, and have it explicitly signed off by national highways, which obviously didn't deem consent wouldn't permit.

1:04:15

Don't know if the applicant wants to respond on that, before they do I just

1:04:20

Mr. Bellingham on that point of the kind of in principle, objection to the use of deemed consent provisions. Perhaps because you in when you comes back to as a default, because you look carefully at the various provisions that have been mentioned this morning that might contain these and be absolutely clear with us which articles therefore you are objecting to, in principle, because it'll be very useful, for example, with article 11. If it does turn out that there's a relatively small impact on strategic road network streets.

1:04:55

It just helps us to understand exactly where you consider these

1:05:00

articles really, really bite for you. So I'm just doing, that'd be very helpful to understand. Because we've had mentioned of that, you know, article 1113 1416 21, it may not be that all of those affect your interests. So for our purposes, it'd be very useful to know clearly where your concerns lie. So thank you, if you if you could do that a deadline for.

1:05:20

So yes, we've heard all of those submissions. It's quite a clear message from the council's and national highways. One thing I would say before coming to the applicant is we note that at least in respect of city

of York, there's been some discussions about a 106 in relation to securing a PPA that might assist with that kind of pre, essentially a pre application discussion for the discharge of requirements, but that, of course, these aren't requirements, these are articles. So does the following question would be is is that would that cover all approvals or just discharge of requirements? Mr. Turney, just answering that straightaway registered only for the applicant? Yes,

1:06:01

we are discussing revision so that there would be a PPA in place, which obviously assists in the sort of resource implication side of what's being suggested.

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Obviously, just going more broadly, it's in our interest to

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obtain the consent. So as Mr. Bellingham says we don't want to get refusal. So prior engagement where possible is appropriate.

1:06:29

But I think the points I would emphasize here is that we have a detailed scheme in respect of highways interventions already. The streets where we've identified, the need for works have already been spelled out. So the highways authorities are aware of that.

1:06:48

The provisions here in respect to these additional consents that we've that we've focused on

1:06:53

this stage are generally in respect of those matters where we don't currently identify need. So in other words, that sort of unexpected need for it.

1:07:07

What Why, why deemed consent because Mr. Bellinger says, deem consent itself as a problem or deem consent is appropriate because of the national importance of the project, we're seeking a statutory authority that the Secretary of State will give us statutory authority to construct this scheme. And

1:07:27

the construction of it should not be delayed by somebody simply not determining an application for a subsequent consent. In respect to these matters,

1:07:39

there is a obviously a power to refuse. So if the authority is not satisfied, it can refuse, we've made clear in our proposed wording,

1:07:52

in respect of what's now article 13, six, that we will make clear on the face of an application that there would be deemed consent, if it's not dealt with within 28 days. So if it comes across someone's desk, they will realize that they have a strict time limit to deal with the application.

1:08:11

And

1:08:13

we consider that in all those circumstances, it's appropriate to have this period rather than longer periods that there is a there's a real pressing national urgency for this scheme. And

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if we need to obtain what

1:08:29

are expected to be if at all minor and incidental consents for works on roads, then we should get them and the authorities should prioritize the delivery of this scheme over schemes which don't have that statutory authority if necessary. But we really don't hope we get to that we hope that everyone can deal with these things swiftly anyway, that the PPA can ensure that the resources are in place. And that were possible we can raise these things by pre application discussions. I think

1:09:06

it's worth noting also that this 28 day period, and deemed consent is is precedented. We've referred to a number of examples. And some of those examples, it must be said a national highways DTOs. So they have the same provisions in some of their DTOs.

1:09:21

In respect of street authorities. So I think we need to be clear that this is this is not just this applicant who seeks that it reflects the DMCA regime more generally. And there are variations. There are some that have longer periods where that's been justified, but we don't think it's justified in this case.

1:09:39

Thank you, because pick up on a couple of the points that you've made that.

1:09:43

The first was that the deemed consent provisions are likely to only kick in or the unexpected need cases. When when when you've been because those cases those cases would not be included in schedule, so their industry works. Yeah. So I suppose the question

1:10:00

Be might be, then if then if they're not something that the parties would be aware of, then perhaps there would be an argument for them having more time rather than less in those cases, because they're not things that they knew were coming down the line.

1:10:13

And then the second would be a question about the addition that you've raised the addition to article 13. Which, which, as I read, it means that if one of the parties we've heard from received an application, they understand it's an application to which the Deem consent provisions apply. I'm wondering whether that paragraph six version should actually be added to the other articles so that we can't have a situation for example, under Article 11, I don't think it currently is included.

1:10:45

Because it so there can be no, you know,

1:10:49

feeling that there could be a cynical application made where it wasn't clear that that the consent provisions applied at the time of application. Does that make sense? Richard fabricant certainly on that point, we'll make sure that the relevant references have been picked up, I think it is referred to sort of 14 Nine, for instance, but missed

1:11:07

11. So we'll do it, we'll do a double check on that the intention wasn't to avoid the obligation to do that. It's it's just a cross referencing in respect of the well, they wouldn't know about it. I think the point, the point I'm making really is that the project's needs, the main interferences with the highway have been identified. So this is going to be something which is, although

1:11:29

in the case of street works is going to be something which we don't currently expect to need, it is also going to be something which

1:11:38

is is going to be is well is likely to be less central to the delivery of the scheme in the sense of it's not going to it's not that involve a huge intervention in the highway, that along the main alignment of the route, and in respect of how we intend to construct the scheme at present. So

1:11:58

I think it's it's matters which of which can be dealt, which are likely to be able to be dealt with in that period. Of course, there are, there are the if there isn't sufficient information about it, if the authorities simply cannot deal with it, because the complexity of it, or it has concerns which the applicant can't stress in the 28 day period, then it can refuse it. And I think that for us is that it's it's that it has to deal with the application within 28 days, it's not that it needs to granted, it has to deal with it, and that it can't put it on the back burner. And we say that that that really is the justification that has to deal with it. And then if necessary, it refuses and either the applicant comes back and

1:12:38

proposes an alternative scheme or provides further details or goes through the appeal mechanism.

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And that final point that we heard that if the timescales are too short, that you may get refusals simply because people have been able to look at things you want to respond to that bridge 20 for the outcome, well, that that obviously is a risk that an authority simply says, Well, we're refusing because we don't have a, we haven't had enough time to consider it. But we, this is the provision which we think is appropriate, it gives four weeks for consideration of the applications. As I say it will be that there's further comfort around that through the proposal for the PPA, it's not in our interest to get a refusal. So any prior engagement, obviously is going to be helpful to us, but we still think that the application should be dealt with within that period.

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Regardless of how it's viewed by the by the approving authority.

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Okay, and so you're holding the position on in respect of all of these articles that 20 Wouldn't accommodate this request for 42 days at this point? reached out to him. Yes, that's right. Okay.

1:13:52

Just

1:13:54

before we move off this, if I could make a request to Mr. Turney, please that you consider that your statement in 13. Six, that the in effect the Deem consent would apply after 28 days, can I make a request to that, that you consider that to be put in bold font, just so it's absolutely clear and obvious in any any application you make?

1:14:16

Not not not not in bold font in the DCO but in bold fonts when you when you come to make the application just so that the person reading it, that's the first thing they see and it stands out. Richard only for the applicant. Mr. Fowler said exactly that, to me last night bold and underlined. So I don't know if I don't know if it necessitates any change to the wording of the DCA, but certainly, that's the proposed approach. Okay. Thank you, Mr. Bellingham. I can see that you'd like to come in before we move off this one. Thank you. Not a contentious point. Hopefully. I don't want to cover anything that we've already gone through that it's just you raised the point around consistency. And in terms of making sure that this this provision was that we've just discussed applies every time deemed consent apply.

1:15:00

rights, which which I agree, should, we should do. But there's another point around consistency I just wanted to raise to raise notwithstanding or without prejudice to national highways overall position on this. Sometimes deemed consent applies from the making of the application. And sometimes it applies from receipt of the application. So which whichever one the applicant wants to go with, or, you know, the Secretary say ultimately goes with this they do? Can I ask that there's consistency there. So when these applications are received, people, you know, are used to dealing with them in the same way, and they don't get caught out because one's actually a day or two shorter. Thank you. So at the moment, they seem to be drafted receipt.

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So they relate to the receipt of the application.

1:15:43

Yes, I take your point, if we will, if the applicant could just check that in post for the for the welfare for the revised DCO. I think we are interested to continue the dialogue on this one, because I think there's some quite compelling points made by the various parties about the timescales here. So I would say to the applicant to concede that he considering this one, and in particular, even if it's not all of them, whether there's particular ones articles where you could move towards at the timescales being suggested we haven't quite a united position from the parties on this. So

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I think we're aware it's an ongoing issue. And we may ask further questions about if there's, if there's not any move towards resolution? I think we'll move along on for the interest of time now. So

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that takes us through everything we had on articles 12 13 14.

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Yes, Mr. Reynolds,

1:16:49

Michael Reynolds, NYC, I just wanted to we wanted to bring a point at which was raised again with the solicitors with the applicant. So on Article 13, article 13, and 14, just to be clear articles that we will expect to see in DCO.

1:17:07

But there we do have an issue that we needed to work through in relation to Article 13. To which allows

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permanently or temporarily alter the layout of any street within or adjacent to the order limits, we understand that that is subject to consent.

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But then that consent is then

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not to be unreasonably withheld or delayed. So

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at the moment, I think we're working on we need to work on tightening that up, because we're not happy that they can move outside of the order limits.

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The applicant come back after that. Thank you for that point.

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Richard handy for the outcome.

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This, again, is a fairly standard DTA provision, but it is subject to the consent of the street authority. And it's effectively to ensure that if some streetworks are required, which go slightly beyond the order limits, that they would still be able to be delivered under the DCO as opposed to having to make separate applications and leading to a sort of disjunct between a line or a line in the road where some works are being authorized by the DCR. And some works are being authorized through a separate process. So we do think it's appropriate to have that ability to seek consent for works that extend beyond the auto limit. But but

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perhaps we can we can talk to North Yorkshire a bit more about that.

1:18:34

Thank you. That's very helpful. I know we raised it in relation to a different point. I think it was a lance or at a trees and hedgerows point in the previous hearing. So thank you for considering that.

1:18:48

Mr. Turney and taking that one away?

1:18:51

Is there anything on articles 14 1516 1718. And then we're going to come to 19 where we know which relates to the discharge of water. So I think we'll go straight there for not having don't have a hand up, Mr. Bellingham, again, on national highways.

1:19:13

Thank you and article 16. If we could go. Yep.

1:19:19

And so yeah, just works. That's, that's right. So the position in national highways here, obviously, this permits the creation of new accesses at any location with the new order limits.

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And, you know, as you appreciate any new access of the SRM poses safety concerns, under the Highways Act, we would have to give our approval to that. Whereas I accept the Highways Act says that relevant provision doesn't apply.

1:19:44

If the plant you know, if it's a planning scheme, if it's if there's a DCO in place, that and that'll House position on that will be well that the reason that that is the case is because they would expect it to be covered as part of the DCO. So there would still be a requirement for you know, the highway

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Authorities approval.

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And you know, that should be an unfettered approval as well. So there's there's, you know, there's a couple of issues here. There's the deemed consent one, which, which I won't go. I won't go over. Again, you've heard heard our position on that. But also this, this refers to the planning authority approving the hiring authority.

1:20:22

Thank you.

1:20:29

Yeah, you're right on that. Okay. Could the applicant

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respond on that point? So it's whether Well, the couple of points there, but what the latter one being whether the reference should be more widely than just the relevant planning authority to include the relevant Highway Authority.

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Reach 20 for the African will consider that in respect of national highways.

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I think there isn't a proposed to be an access from the strategic road network. And we wouldn't I didn't anticipate an access

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a new access being created that would deal with that. But we'll take that to what ends if there's specific provision.

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We'll take that away and see if there's a specific Thank you. National Highway, sir. Thanks very much.

1:21:28

Okay, so 1718. And then we were coming to article 19.

1:21:34

And

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I will actually ask Mr. Jones, if you're available to come in on this one? We don't have we've basically, we were aware that there's comments from the internal drainage boards from HD and FOSS internal drainage boards on these and we've seen your comments back on those points without having the drainage boards here. I don't know we can go much further because it's, it's for them. Unless you've got an update for us. It's for them to come back now on what they've seen it deadline three, but I will just ask Mr. Jones, if there's anything you'd like to ask under this one, and I can see Mr. Bellingham your hands up. So we'll come back to you in a moment.

1:22:12

Thank you, Miss Paris. It's really just for the applicant to provide us provide any update. We've seen your response in rep 3032. And your suggested amendments

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that are in appendix A of rep 3032. Is there anything you wish to say to it to expand on the reasoning behind your suggested amendments in appendix A of rep 3032, or even provide us with an update on the position of where you are in regards to your discussions with HDI DB and presumably fought IDB on this matter?

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reached any for the applicant? There's a meeting arranged in on the 14th of June. So

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as you know, sir, from our the way in which we have got those proposed changes, we haven't included them in the most recent draft DCA, because we want to establish whether those are capable of resolving the issues between us. And if they are, we propose those changes, but we're meeting with them in on the 14th of June, and we can then update it in the deadline, five DCO to either reflect an agreement or oppose our respective positions.

1:23:27

Thank you, Mr. Chairman. Yes. I mean, obviously, if agreement isn't reached, then I think we would wish to see both parties positions. And that could end up being final position statements, or something you may wish to submit it D five.

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Thank you. Yes.

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Thank you, Mr. Jones.

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I don't have anything on Article 20.

1:23:52

And on Article 21, again, I'm aware this is a ongoing discussion area with the IA those two same internal drainage boards. Mr. Jones, would you like to come in there?

1:24:07

Oh, sorry. We missed you. Sorry, Mr. Bell? Yes. I'm not sure if, if you're

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because we're gonna get past you have too far past your interests or we will come back to you, Mr. Jones, Mr. Bellingham. Thank you, Paul. Bank of national highways. Yeah, article 19. So this would permit the undertaking to discharge into the highway drainage system, including the strategic road network,

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which will be completely unacceptable to us.

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Except, again, there is there is a provision in here that would require our consent.

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But there are some concerns with that. I won't

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labor the deme consent point, but it also says that such consent cannot be unreasonably within be unreasonably withheld or delayed. Well, our starting point here would be a refusal. And that's that would be a clear refusal based on the Secretary of State for transports policy

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which does

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allowed new connections to the highway drainage system at the strategic road network. So our request here would be for our interest to be removed from this article, please.

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Thank you. Those points are very clear. I'm just sorry, to my notes.

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The applicant like to come back and unless attorney rich Tony for the outcome, I think this is in respect to draining into

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into drains of power to connect into trains. This is this is very standard as a matter of principle. So I didn't think Mr. Bellingham takes point about the principle. But I think his concern is would we use it to drain into the strategic highway network? And I think we'll have to take that away with discussion

around protective provisions. Because it's a it's a provision, which obviously, we would wish to defend and include to ensure the the construction of the scheme.

1:26:02

But whether there's any particular provision that needs to be made in respect of strategic highways drains, we can I think take as a matter of discussion between us and and highway national highways.

1:26:14

Thank you. Are you satisfied with that approach? Mr. Bellingham?

1:26:18

Yes, that sounds fine. Thank you. Thank you.

1:26:22

Okay. Mr. Jones. I was going to come back to you on Article.

1:26:29

When was he 2121 21? Yes, yeah.

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Well, I'm sure the applicant seen angsty IDB and FOSS IDB, his comments, it was it was only really did so article 21 should make reference to relevant drainage authorities. Because they were concerned that obviously they don't own any water courses.

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So, Mr. Turney, whether whether you wish to add anything further on whether you feel you've you've said enough on this previously in in rep 3032, and elsewhere,

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and Richard any for the applicant, we have set out some answers to this.

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I mean, in short, the

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entry and into

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the land concerned is not at the moment controlled by the IDPs. So that's why

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we should be entitled to have the power in question.

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And

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in terms of whether there is a

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any particular risk of damage to banks, etc, which is what the IDB is are concerned with, that we think is addressed through what we're dealing with under Article 19. So we don't think there's a separate issue here, about entry for survey and investigation purposes. So we don't propose to accommodate them in that way. But we do, as you know, proposed changes to article 19.

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Thank you, Mr. Turney. Am I correct in presuming this is a matter, you'll also discuss at your workshop?

1:28:07

Yes, that's right. The meeting in 14th of June 14 and June. Yes. Thank you.

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Thank you and the opportunity for us to see what the outcome of those discussions is will be deadline five, I assume so.

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And although the IDB is aren't here today, if they are watching the recording, I would say we would welcome at deadline five. If there's areas still outstanding, we'd we'd welcome further submissions on on exactly how you see the disagreement to be

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moving on, then.

1:28:42

We're moving into the part five of the DCO, which is articles 22 onwards, we're not seeking to raise anything here other than when we get to 20 to 26th. We note that the term commencement has been substituted for the carrying out and I remember from our previous discussions, this was because commence wasn't defined at the in Article Two. So I think this is the only instances that were of commencement was actually referred to within the articles. So we know that's, we don't have any questions about that. We know that's a change that's been made.

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Again, people please do put your hands up if you'd like to raise anything as I go through, but we have nothing under 2720 820-930-3132 30. He

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just noticed some interesting numbering on page 27. There seems to be an extra 30 The beginning of under interpretation, maybe a bridge so if you know that that's because there's an amendment. It's It's

It's bring for the amended, right provision in the 1965. That's sort of how you read the amendment. Okay. It's confusing, but the indent I think, yeah, this is it.

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They're there. Fair enough.

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3334 35 and I think it's when we get to 36

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that we have noted we want to mention something and that is because you have added in part 13 At the end there, could you just briefly explain why that one's been added in please.

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Richard tourney for the applicant. So,

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there are provisions in the neighborhood Planning Act 2017, which have not been commenced, which are concerned with temporary use of land and temporary possession matters. And

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they are provisions which are

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unusual in some senses in the sense that on one reading, at least, they could provide for a temporary use of land under those provisions to result in a notice being served requiring that land to be acquired outright.

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Those provisions could be commenced at some point. It's sort of expected, given that they were enacted in 2017, and never been commenced that they met might be changed before they are commenced. But this is a provision which maybe not in exactly this form, but in similar forms includes a number of DTOs. Essentially, it's pre-empting, the fact that the law on temporary use and possession might change, and instead of dealing with it as an internal code within the DCO, that we're looking at, so that you can judge the acceptability of the powers that we have there in article 36, rather than having to speculate as to how those might be exercised under a new statutory provision. That is clear. And yes, we've seen it on others other DCA, so I think that's, that's fine. Understood.

1:31:55

Then moving through article 3730 830-940-4142, and 43. And 44, we don't have anything but Mr. Bellingham, I can see your hand up. So would you like to come in?

1:32:12

Yes, thank you. Just it's, I mean, I raise it with regards to article 39. But it doesn't it does apply to to a number of the other early ones. And it's basically around all of the provisions that would allow your notice to be given and then then the applicant to come on to

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land within the order limits to carry out works for for various reasons.

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I'd start by saying, I don't have any national highways doesn't have any in principle objection to to this. And hopefully, this is something that we can cover in our protective provisions, discussions. But there is some concern that you know, if any interest in that house can be temporarily suspended, and as a result of any of these, these articles in this section here, could potentially cause some significant concerns for us. So it's just hoping if there's a way of working so that the two can coexist, you know, we can, you know, we're happy for the applicants to do what they need to do. As long as it you know, it coexists with what we need to do at this at the same time. So I just wanted to flag it, I'd

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suggest we need to discuss it at any length, but just wanted to raise it that there is a concern for us here. But hopefully, we can pick it up as part of our protective protective provisions, discussions. Thank you. And am I right, in understanding this, that this is not? You talked yesterday about the two areas of interest for yourselves, which was one, firstly, in relation to your land and the rights and etc. And secondly, was in relation to the interests of the SRN. And I think this falls into the first basket? Am I right in thinking that? Yes, so this doesn't cover as far as I'm aware, unless the definitely permanent extinguishment of any national high was interest, but my reading of it is, again, please correct me if I'm wrong, and that that could be a temporary suspension of national highways rights, which, depending on what they are, could cause us concerns if we're unable to do and I know there's a compensation provision in there, but that's not really any use to us. But if we need to get onto that land to do what we need to do, we need to be able to do it, because obviously the safety implications associated with that.

1:34:19

Okay, and so you're talking about articles, things, articles, like 39 roads about maintaining the project and things like that? Yeah. So there's there's the, the 39 maintenance and as the preceding ones were, the different companies, they've got their different interests as well as similar similar concerns associated with that group of, of articles. Thank you. I can I can expand on that in the post

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posterior submission, if it would be helpful. That would be helpful, thank you.

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But the African lead to combat Mr. Turney, which stands for the African I think it is concerned with the sort of property interest rather than the highways interest per se. So those are dealt with in the other powers but

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We can certainly discuss that with Mr. Bellingham. As you know, from yesterday, there's a sort of slightly unusual position where national highways have some interests which are away from the strategic road network where we are going to be doing some works, but we can work through that with him and check that that's dealt with in a satisfactory way. Thank you very much.

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Okay.

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We'll move on then to article 45, unless anyone's telling me they want to come in before that.

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And this relates to traffic regulation.

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And no, this is one that was flagged in submissions by both North Yorkshire Council and city of York in their deadline to submissions. And obviously, we've had the applicants response a deadline three.

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Mr. Jones, would you like to cover any points? Or shall I guess come to the council's?

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I think you can just go to the capsules first.

1:36:00

Thank you. Okay. So firstly to North Yorkshire, then would you like to make any further points having seen the app applicants response to your matters at deadline to

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none of this point where we've raised again, we've raised the issue with the applicant, and they're talking is talking to it. So there's there is a way forward with this. Thank you, Mr. Beaudry. And the city of Europe.

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Boulder City of York Council, not at this stage. I think I'll defer to further discussions and liaison with colleagues in our highway section. Okay, thank you.

1:36:42

Mr. Reynolds. Thank you, Michael miles, just to clarify that this was the article that I was applying to be falling off if you find it with this one. Again. So there's a time scale, the 28 days thing? Yeah. Okay. So we'll just know, as we over the others, that those conversations are continuing. And for now, we'll see whether they get anywhere before we? Well, we'll see where we get that get to with those rich centers, yeah, we can I just emphasize that in respect of traffic regulation, more generally, there is a sort of inbuilt consultation provision here.

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So

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the subject general point about 28 days is perhaps made less powerfully here, because we see, for example,

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if you read 45, six, say before complying must consult with Chief Officer of police and Traffic Authority, and then

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three, which is to give notice and advertise. And those are preconditions for the for the exercise of those powers. So there's a sort of there's there is an inbuilt process that or

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consultation before the Application for Consent arises, which is reflective of what's in effectively, it's bringing it more in line with how traffic regulation orders will be made generally, okay.

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That's very helpful contribution. Thank you.

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I don't have anything else in article 45.

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We'll come to article 46. And that just in this one, so this relates to the different moving away from the highways for a moment, felling and lopping of trees and removal of hedgerows. And we note that this has been revised and written a related move, article 55 has been deleted in its entirety, which relates to tree preservation order trees.

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Can I ask the applicant just to talk us through the changes in why they'd be made please?

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Rich attorney for the applicant.

1:39:05

So effectively in respect of

1:39:09

tree preservation orders, the position is that within the order limits, there aren't any TPO trees. So we're bringing this in line with how the matter will be dealt with under the Town and Country Planning Act

system. So we don't need to disapply existing TPOs ceiling was only with situations whether it be a prospective TPO of a tree.

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So it's really aligning it with that.

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And then in terms of headrow consent.

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It's a provision which then sets out which specific hedgerows were identified for removal and list those out and sheduled 17. So it focuses on those hedgerows

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Thank you very much. And yes, we noted that yesterday or the day before in relation to the addition of schedule 17.

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That that's all fine. From our perspective. No further questions on that one.

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Yes, Mr. Reynolds.

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And yes, Michael Reynolds NYC. We were wondering if then this might be something that we take off offline, because we just would like a conversation and an explanation around how this sits with the economy as drafted requirements 10 Does it include the work on the in the about about we already know, surveys the G cemaes? already?

1:40:50

How does that? How does their ability to fell in love with trees for we expect to see something like this, but how does it fit in with the other requirements to maintain landscape? Okay, thank you look, and we will come on to talk about those in more detail. I suppose the prints starting principle is this provides the powers and then the requirements basically controls those powers. And so that's the area

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that you probably actually be more interested in when we get to those. And we do have some questions around that today. Okay, thank you.

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The next one was in relation to Article 47. And we know that, again, ain't D and FOSS internal drainage boards had raised these matters

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and responses that has come forward from the applicant at deadline with three. Again, because we don't have the drainage boards here. And it really it's kind of the balls in their court on these matters, unless the applicant has a risk any further update on progress. If those discussions, then we'll just assume it's the same risk, same response to that you're going to have that meeting and hopefully make some progress before deadline five.

1:42:01

I'm seeing nodding heads. Thank you. Nothing else from you, Mr. Jones on the article 47.

1:42:08

I don't think at this stage was powerless. Obviously, I know the applicants response and rep. 303 tilted it doesn't consider protective provisions to be appropriate. But there is the suggested amendment to article 19 in appendix A of rep. 3032. And I think we will wait with keen interest the results of your discussions on the 14th.

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Thank you, Mr. Jones.

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We'll move on to article 48. Do you have a couple of things to cover here.

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So this has already been raised by you, Mr. Reynolds in relation to the plans that are

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certified alongside the DCO which are important documents for securing a project project commitments, for example, around necessary mitigation. We've got the existing list. We discussed it a bit last time. I firstly wanted to come to Mr. Wilcox, he's still with us from the environment agency who's raised a point about the flood risk assessment and the ES chapter nine on hydrology, Mr. Woodcock.

1:43:16

Good morning. So you had in your response to our written questions, you had said that it's assumed that the flood risk assessment and chapter nine of the IES which is on hydrology will be approved on the Approved Documents List the DCA which I think by which you mean I think this this list here.

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And so as long as the work is carried out in accordance with these documents, you have no objections, I suppose what I would point out is that they're not at the moment. So

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neither flood risk assessment or the chapter nine of the ESR secured in that way. You've had hopefully seen a response from the applicant on this, but I wanted to see where you stand on this issue at the moment.

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Yeah, we've had, we've seen the response, and we've had subsequent discussions around this matter. And, yeah, it was satisfied

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that the things we'll look into seek

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to be covered or recovered through

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skilled design drawings, crcp Construction Management Plan. So yeah, were satisfied that the applicant has addressed that concern.

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Very helpful. Thank you.

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I won't come back to the applicant on that one unless you've got that note. So the other one that we would like to cover is the environmental statement again.

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We heard issue specific hearing one that reasons why the applicant has not included the environmental statement in that list of documents to be certified. We see it's still not there. We know you've changed the description of sorry, the definition of the ear hurts, but nonetheless, we still have a view or we're yet

1:45:00

To be convinced that the ES shouldn't be in that list. And the reason for saying that is that there are still several instances in the DCA where the applicant seeks to six provisions to incorporate flexibility on the basis that the effects would not be materially new or worse than those assessed in the ES. So it's a, it's still there as a control in many, many cases, including the definition of maintain, and the description of many of the proposed works and shedule. One and in a number of the requirements. So

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before we come to the applicant on this, I just wanted to check with the council's had any views about this? Firstly, Mr. Reynolds,

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no, nothing from us.

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Thank you, Mr. Baldry city of York?

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No, nothing from us. Thank you. Thank you, Miss White.

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Thank you. Thank you.

1:45:54

So is the applicant really? Are you willing to give that one further consideration? Registering for the applicant? I think we've we've got your cluster. So we'll address that in the next the next draft, you say? Thank you, it feels like progress.

1:46:15

Now, the other document that has been added to the list is the dassie design approach to site specific infrastructure documents, which is a new document that's secured by requirements. 18. I don't think we need to I don't think we have any problems with the fact that that's included. In fact, we welcome its inclusion, but we will come on to talk about the detail of our under requirement eating. Does anybody else wish to raise anything about the list of documents that we see in article 48?

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Okay, if you do that, you're welcome to submit those in writing it deadline for

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Okay, moving on, then we have nothing on Article 49.

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And with article 50, we do have outstanding matters raised by again, the same internal drainage boards, ASTM Foss, we note that we've had the applicants response to that deadline three. And I think we're going to treat that the same way as the other IDB points and just work on the basis we'll get, hopefully some positive moves in deadline five version of the DCO.

1:47:26

Article 51. I don't think we need I think we've got I think we have we had a small matter raised by Historic England isn't it looks like it's now been satisfactorily addressed. So I don't think we need to raise that one. And we don't have Historic England anyway.

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And I'm going to say the same thing about article 52. In relation to the IDPs.

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Again, if the IDB has happened to watch the hear of the recording of this hearing, and wants to put anything else in what we as we see at the moment the ball is in your court in terms of what we've seen from the exchange of the parties, it's if there are points from the deadline, three submissions of the applicant, then please do put those in writing for us a deadline for or if you're in the middle of helpful conversations, then we may just be able to see what comes through a deadline five and the provides DCO.

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And article 54, then and I know that at least the canal and river trust have been well waiting very patiently for us to get on to this one. So we have we have the canal river trust present here today. We've had a conversation already about this article at the first DCO hearing. Hi, Mr. Tucker. We we we've seen the latest exchange again on this one.

1:48:43

Mr. Tucker, would you like to come in and give us an update as to where you are where you are? Things are Thank you. Many thanks, Miss Paris. Is it Simon soccer from the Academy of interest? Yes, I mean, article 54 Obviously, gives the applicant seeking to give the applicant powers to close the river to traffic to enable the construction of the cable above. Generally the trust's position is that we do recognize the need for temporary closures to enable the works to be constructed. And our main consideration is ensuring that the closures have managed to have to avoid overly restricting the operation of the navigable network.

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And trust is content with the most recent amendment the applicants made to the drafting of article 54, which would limit the ability to close the river only in relation to work number six and associated works. However, the overall impact of the article in conjunction with the protective provisions is still able to enable total closure of the river with relatively with relatively short notice. And this is something we're still negotiating with the applicant because it it does remain a concern for the trust and its users.

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In our view, the powers being taken

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in article 54 in conjunction with the provisions are based very much on the worst case scenario particularly on closure. I

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And the applicant acknowledges in their public rights of way management plan that works over the river rooms will take place at nighttime for up to one hour at maximum of eight times, which would have relatively relatively low impact on us. However, the current drafting of the DCO and

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the DCO envisage just does not reflect these time limitations. And indeed, the protective provisions, which obviously come to later today, seem to envisage multiple daytime closures at any time. As Miss Perez mentioned earlier this morning, it's about how these worst case scenarios can be narrowed down. And we believe the DCO and protective provisions should reflect what the applicant says it needs elsewhere in its own application documents. We would request really that National Grid justify the extent of the power sought for daytime river closures at any time of the year. The trust the trust experiences that nighttime working can enable quite significant works. For example, proximately, five years ago, we work with Network Rail to install the Scarborough railway bridge outside York station

over the river cruise which took place in a single nighttime closure. And typically developers are able to commit to carry out works within the winter period not during the summer period daytime

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when traffic numbers obviously a lot lower during the winter period.

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In generally the trust's also thinks we do need to be appropriately protected by the protective provisions. In particular for reference the notice period for closures, the length of closures and the approval temporary works in the river. Rivers is a major, it's worth noting the river cruises of major river through the north of the trust network and during daytime it is used by a large variety of craft in both commercial and leisure and daytime close to the river could have a significant impact.

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In some way, it's not easy to shut a river. During the daytime it's not the same as a road or a motorway. There's nowhere for vessels to be diverted and the logistics of closure are very complicated. Due to the very low levels of nighttime traffic, it's much easier to accommodate closures at nighttime. And our experience is that a lot can be achieved during nighttime works. The impacts of data and closures are clearly more significant and at this location could impact several different types of revenues, such as local pleasure craft highest holiday boats, commercial vehicles and recreational paddle craft. Measuring commercial vessel users, such as people hiring a vessel for holidays to typically planned routes many months in advance, and significant notices required to ensure that any closure does not inadvertently impact commercial movements on the network.

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And this could have commercial implications for companies that hire out boats or offer moorings on the river cruise.

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I mean, a higher number of craft would all be expected during daytime hours. And our position is that the wit for the river would like to prevent the potential for a barrier to be erected, meaning that safety boats would be required to intercept craft and should a high number of craft seek to pass the site of closure then it might be difficult to stop craft

1:53:04

to enforce a closure. It's very personal for the rivers in this location. Because it's the only navigable routes to the river and canal or no navigation we should be cut off from the rest of our network in the event of a river closure.

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So to mitigate the impact of daytime closure, we would need warning signs and notice reviews as to limit the impact. And that would need a notice period of several months to enable river users to plan accordingly. Notice sources are required to ensure that maintenance vessels can be sized appropriately our network.

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And concerning notice periods it might also help me to provide a summary of how we typically manage engagement with stakeholders. The trust operator standard process where we advertise closures in advance that the impact on our users and operations is effectively managed for any typical work seeking data and closure. The trust requests notice from the developer by the end of February for closure the following winter low season. Data and closures during high season are rarely permitted due to the volume of reviews as affected. The proposed closures are advertising consultant to wait for consultations. And we coordinate work programs. Alongside that having considered the consultation responses, typically a decision to close the navigation is made in August. And we advertise that the point of consultation and also in August itself.

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Now come to the specifics the notice periods required by the trust when we discuss the protective provisions later. But hopefully it's given a helpful overview as to why the trust is concerned about the powers of article 54. And we do believe we just need to get to a position where we can agree protective provisions to receive sort of relevant assurances

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as part of the DCO

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thank you that's extremely helpful contributions there and you've probably seen myself and that with Cambridge

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furiously scribbling

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obviously, there are some, as you said that there are some additions into article 54. Since the last time we talked about this, and as far as I can understand from what you've just said, You're

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you're seeing those as positive steps forwards, including things like the definition of putting articles, work number six into into the first part of that article.

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We take your points

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in your deadline, three submissions, things were looking quite hopeful that you might be able to this one might fall away before today's hearing obviously hasn't hasn't happened.

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In terms of your particular concerns here about about closures. Is it still the case that it's both during the construction and maintenance? Or do you have particular? Is it one more than the other? I think, primarily, primarily, I think it is for both of them. But I think primarily it's to do with the notice period being given for any particular closure of the of the network. Okay.

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Typically, that I mean, we're expecting that to be covered within the protective provisions. The we've been negotiating with the applicant. We had meetings with them last last week, and we've had suggested suggested amendments to us.

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But we were still at a position where we're, we're not, we're not, we're not at a point of agreement on notice periods for closures.

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And also trying to limit the amount of the amount of daytime daytime

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issues as well, basically. Okay, thank you. That's where we are. Thank you. I'll come back to the applicant to respond on those points.

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Richard, only for the applicant. So I think

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we'd understood and I think we're, we're pretty much there that article 54 itself was satisfactory, but subject to the agreement to protect provisions that we're going to address the broader concerns that are raised by the canal and river trust in respect of notice periods and length closures and so on, and provide them with comfort on those issues. We are in the process of negotiating those protective provisions. And we certainly recognize the points that are made, and want to find a way to resolve those issues that Mr. Tucker has described.

1:57:29

But we think in terms of article 54, that we've reached a position where, where that's an acceptable article, and we should, we should keep that in its current form in the order and we should look instead to the question of the Protect provisions which have been negotiated. I don't know if anyone else wants to write an update, we I assume that it won't help to hear from Mr. Fowler anymore about the need for the use of the river. Have you heard now, I think we had a good description last time. And we've obviously also done further reading in that time, so we're feeling fine on that. Thank you. And we will of course, come back to shedule 15. An perhaps Miss McDonald can just give a short update on where we are with protective provisions just so you understand I can regret Thank you, Mr. McDonnell National Grid I keep this quite short, we've had really, really good helpful discussions with canal and river trust over recent weeks

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you know, the points that Mr. Tucker has raised we have sought to accommodate there is you know, we are still awaiting feedback and some remaining points one of which is in relation to

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notice periods and we have sought to try and you know, split that out so it's quite clear overnight what that note is period may relate to during the day if it was for one day only what that notes period may look like and then if it was for more than one day, how that may may reflect so I'm sure we can discuss these in more detail if required of the protected provisions part later on. But I think we're probably down to a shorter list of points that are to be resolved between ourselves on the canal and river trust which I would hope is reflected at the later discussion this afternoon.

1:59:00

Thank you very much.

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Not a question for now but it's the kind of side thought that's

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I think we've got a set of I don't know whether the case he was looking at as a separate meeting started you just would you mind just checking there's not under separate hearing with people thinking they're running they're joining

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just Yes, I thought just when we're talking about nighttime working there and kind of a preference to do more at nighttime or and very little in the daytime just a question of babies for the applicants to take away about just to check that.

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Further to what we heard from the Wildlife Trust yesterday about the potential effects on birds in on the ooze and the ocean that corridor that if you obviously were doing lots of more nighttime works then you'd need lighting and if you've got

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birds flying at low height, just just just check in that your set worst case assessment has covered night those nighttime works

2:00:00

From the red roost. Thank you, Mr. House nodding. So thank you. If you could just confirm that a deadline for that would be helpful.

2:00:08

Mr. Tucker, would you like to come back in? Or fight? Thank you. Thank you. It's fair to Yes. It's just a very general comment, really, I think generally article 54 can't really be read just in isolation with the

protective provisions sort of need to be sort of read together, because changes to one can obviously affect the other. The other one.

2:00:29

Obviously, taken on board the applicants point, we we have received drafting back from the applicant, and we are obviously under discussion with them. I think our concerns are the latest draft and receiving the applicants do allow for significant daytime working, I think, up to nine hours per each day. And we considered that would allow for consecutive days. And I think they there's something we're just considering at the moment. But I think I think that's sort of the main point is a potential issue of contention we have at the moment.

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That's very helpful to understand. Thank you.

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Is there anything else that the caliber of trust would like to raise at this point? Before we we will obviously come back to this under schedule? 15 later?

2:01:13

No, I think I think we can raise them up to the schedule later today. Yes. Thank you, Mr. James, would you like to come in at all on this? Yes. Thank you. Miss Powell is just for Mr. Tucker, to briefly expand on something he's already alluded to. And I fully appreciate that. It's not as simple as a road diversion. But should this stretch of the ooze be closed? What what alternative routes? Would there be for boaters?

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Simple answer is that there wouldn't be

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the closure that the revenues that I mean, a lot of our network have alternative routes, for instance, shut the Leeds and Liverpool canal, you can go over the Rochdale Canal, that kind of thing, but the river is is just the thing, the single navigable route to the reppin Canal and the navigation to the north. So essentially, if the closure was made there, you know, the users would be surplus to the north essentially will be isolated from the rest of our network. It's whatever kind of keen to make sure that if there is a closure needed there can be planned. I mean, if for example, I mean, it's a nighttime closure, you wouldn't typically have boats operating at nighttime daytime closures, if they can be planned in advance and limited to certain hours, you can plan around that. I think our concern is whether the powers within the DCO give the applicant power to close the river and can be used for long, long periods of time during the day, which would say effectively isolate one part of our network from the other point. I think that's that's essentially our prime our primary concern, I think, with the with the current wording. Okay, thank you, Mr. Tucker.

2:02:54

But the applicant, let's come back further on that. Are you content, you've said what you wanted to say? Okay, okay. I'm looking at the time that's that basically brought us to the end of the articles. And we said we'd break around 12 It's now 1205. So what I think we'll do is we will break and we will come back at 1250. And when we do we'll dive into the schedules and we will look at the breakout what we can do to make sure that we allow maximum opportunity for the council's and the other parties that we have lunch such as

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national highways etc to make sure their points are put so things that we want to just ask are of interest may get put into writing just to make sure we stick to time. Okay, so returning at 1250 and we'll adjourn for now. Thank you