

TRANSCRIPT_YORKSHIREGREEN_ISH3_SESSION2_26052023

01:03

Good afternoon, everybody. And welcome back. The hearing is now resumed.

01:08

Mr. Jones, you're back with us as well. She's excellent. Let's check the live stream is up and running and the recording started. Thank you. Okay, so before we adjourned for the break, we had reached the end of agenda item for B. And so now we're going to move into the schedules of the draft development consent order. And I will just say at this point, that as far as we're concerned, our time today is best used, hearing from the parties on the requirements and schedule three, and the protective provisions under schedule 15. So we'll do our best to prioritize those things in terms of the time we have available. And that is likely to mean that we will need to possibly push a couple of things to requesting updates in writing and I would flag at this point that would probably include item five and some of items six. So

01:55

because they're sort of things that are actually just updates from the applicant, so shouldn't require multiple parties. So we'll dive straight in them to shedule. One and the authorized development.

02:12

The first point we just wanted to pick up under here. Would you like to take this one the scheme's on the US seven new aid works.

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Mr. Tony, we were just

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the we heard yesterday about use seven a new eight and EU eight being

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undertaken already. I'm so we did have an explanation as to but we were hoping you could just go over again, the

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explanation about EU eight. And I suppose we're just asking whether the UAT will still be in the shedule of of authorized development, the undergrounding that has been undertaken by national power grid.

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Bridge attorney for the African I think we the point we were explaining was that

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if there are concerns about its undergrounding I think that there might be in terms of its depth and so on that would want to have the powers to make sure that undergrounding has been effective.

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So at the moment, we're not in a position, I think to assess whether it's been done by Dan and Mr. Powell on May

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31. us good. Yeah, that's right. And I think the other point is the fact that we're still not in the control, the northern power grid could in theory, put that back overhead, performance underground position, however unlikely. So it gives us the opportunity to be able to cover off in both elements. But maybe there is some wording that we could look at in the description of UAT.

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So what would happen if you found that the undergrounding wasn't undertaken satisfactorily, from your point of view,

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to do follow up,

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that would be a discussion that we needed to have with Northern power grid, depending on what the issue was currently, as, as it stands, if the underground isn't satisfactory, that's a discussion between our power grid and the landowner. But if it comes in its detriment to our work, or it stands in the way of our doing our work, then we would have the powers to be able to undertake any works to satisfy that admit that right so it wouldn't impact on our development. So you will undertake it rather than national partner, northern power grid. The fire spread the intention is that non power grid we're going to take the works, but we'd have obviously been involved in those discussions.

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And can you just remind us on new seven that's that isn't done. And that's going to stay in the

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works descriptions and in the land plans as per previously? That's correct. Yeah. I think that's all we needed to clarify this past. Thanks.

04:43

Thank you if there are any updates on that, you eight

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following further discussions with Northern power grid, we welcome those and we welcome and understanding about what that means for the works, the description of works and shed you won but also for the

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Each land and power was being sought

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in terms of acquisition of rights.

05:08

Okay, the next point under on the agenda here was just in relation to work number eight. And I think that was simply to record that we'd had a discussion at issue one, issue specific hearing one, and about the clarity of the description of work number eight, and we know that you've added to sort of change the wording there under Part II. And we're just to say that we're satisfied that helps with clarity. So nothing further on that.

05:31

Work number 11. This was related to the watermain diversion point, I think

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we heard yesterday that we're, we will get an update. I think Mr. Bell gave us an update yesterday that we will hear more if there's further agreement with Yorkshire water, I don't think we have anything else for work number 11. At this stage,

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I should say to those joining us virtually, if you have anything, as we go through shedule, one that you want to raise in terms of the description of the works, please do raise your hand, and we'll bring you in. And then the final bit under shedule. One was just again, on the other associated development, which is described right at the end of the shedule, which we discussed in some detail at our previous DCO hearing about the width sort of the breadth of the powers that might be sought under that kind of catch all of other associated development. We note that you've removed one section of that job to just tell us why that's been removed, which is part C was policy about workstyle to the operation, that position of apparatus including main sewers, drains, conductors and cables.

06:38

Yes, okay. I remember now she's a duplication. Fine. Okay, so nothing else from us.

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We did raise the question about the other associated associated about the last time with Mr. Baldry from city of York council as well. And we did have some submissions about

06:57

about that. And from memory. I wanted to check with the other councils, then North Yorkshire and Leeds City if they have anything that they'd like to raise under the description of other associated Development. Mr. Reynolds, Michael Reynolds NYC. Now we think we responded to your question, and the applicants have responded back. And they confirming that a lot of these are picked up in other requirements and other plans. So I think we're done. Thank you. Miss White Leeds City Council.

07:30

Louise whitely City Council. Nothing to add. Thank you. Thank you. That's very helpful. We'll move on then to schedule two. And that's plans and drawings or Mr. Reynolds. Yeah.

07:41

Can we ask for the draft? He's here to be on screen again? Yes. Yep. You'll find that helpful. So yeah, Mr. Hughes, would you mind getting us back to where we were just moving into sheduled. Two, which is page 54. Thank you.

07:55

Super, the only thing we wanted to just was, again, as we go through here was just to note that we now have some additional design drawings added in part two. And then we have a new part five, which captures the outline landscape mitigation strategy, which again follows discussion we had last time and is broadly satisfactory from our perspective. So we have nothing further.

08:19

Moving into shedule, three and requirements. I know we have noted a few areas where the council's will want to come in here.

08:29

So firstly, on requirement one, which is again, they sort of those different definitions, which help us to understand the rest of the rest of the requirements.

08:39

Couple of things we wanted to raise. Mr. Jones, do you want to raise the point about piling operations? certainly can't do miss Paris. Thank you. It was just piling operations, obviously carved out in requirements seven to a slightly different timing than for the general construction hours. And I just wondered whether the applicant thought there needed to be a definition of what piling operations actually mean.

09:06

Which is only for the applicant will say that's where I can see the point. Thank you. Mr. Jensen. Thank you, Mr. Attorney. Thank you.

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The only other one

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that we wanted to follow up on was

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this definition of startup and closed down activities and in this requirement, which talks about so it says it means general works that will not create an audible disturbance to local residents, including

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I don't know whether

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does that does that adequately cover all of the potential kind of disturbance effects? So if when we say an audible disturbance, what about things like dust or vibration, whether that whether actually audible could be removed and it could just be a more general disturbance point but

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apps, the app can come back on that.

10:07

That Thank you, we'll take whatever they want to work with you.

10:15

That's just in light of some of the things we've heard this week as well. In terms of the other definitions we have, we did look at them in quite a lot of detail last time, one of the others was around pre commencement works. And so this is just this, we felt this was important because

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there's a number of works that can take place before commencement, and therefore before some of the requirements kick in, and we've talked a bit about things that might fall within that. within that group of activities. We have had some submissions, I remember from city of York, and we've had responses back to that. And as a result, we've had part n of the recommencement works definition removed. So it was like that was kind of a catch all at the end. I just wanted to allow an opportunity for the council's to come back on that one today. So I'll start since with Mr. Baldry since it was something we discussed last time. Mr. Bill, Ray, are you content with the drafting now? Or do you have any further comments?

11:11

So I'm just reviewing the Track Changes version that's on screen now. So am I correct in understanding that the if you like the previously disputed clause enters been omitted entirely? That's right. Yeah. Well, yeah. Okay. Yeah, we're comfortable with that. Thank you. Thank you. Mr. Reynolds. Do you have any thoughts on this?

11:34

Yes, thank you, Michael Reynolds, NYC, I was,

11:38

in particular, for the pre commencement works. We wondered if site clearance could be

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expanded upon to give examples of what that would, would be.

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In relation to the

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point one interpretation that as a whole, we did also raise if we could to get an explanation of stage. We weren't sure where these stages were yet. And I think there may have been answered elsewhere. But we weren't clear about that. And we also may start up on closed down activities, as an audible, whether or not that was an audible disturbance. And I wondered just, again, how

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it had been arrived at the conclusion that those activities wouldn't cause an audible disturbance. Thank you. Those are useful points.

12:32

So cyclers, can I just ask, in terms of your interest there? Is that to do with, again, sort of

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living conditions effects, ultimately, things that might be noisy, or is it a what is it that's worrying you about site clearance?

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Again? Well, again, I suppose that it seems like it's quite an open

12:54

amount, and that just wanting to make sure that

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landscaping features or things we wouldn't or would be picked up elsewhere and whatever protection they needed. I see. So for example, if it meant that cyclamens meant taking down hedgerows, for example, that that would be policed under a separate part a separate requirements.

13:13

I think we're satisfied is the case.

13:17

But I'll ask the applicant to come back on that in a moment. This as for stages, again, we discussed this in some detail in the last hearing. I think we're comfortable that the definition of stages is okay, we may still have a conversation about the actual requirement for which relates to stages of the the authorized dependent when we get there. So I'll put a note in there that you might come in.

13:42

Yeah, I'll ask I'll ask Mr. Turney to come back now on the

13:46

point about site clearance bridge attorney for the applicant. So site clearance here would not include removal of trees and hedgerows. So that would

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not that was not something that happened without the approval of the relevant protection plans. And then the question about how the

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the start up and close down activities, A to G were defined in terms of

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the impact the audible disturbance point.

14:21

So Mr. Ban was asking how is it spine that those things wouldn't cause cause an audible disturbance? I don't research African I don't think there's a particular assessment of those in terms of their actual noise effects. So it's, it's based on knowledge of, of what those activities would comprise and an assumption that they wouldn't cause audible disturbance if done in a normal way.

14:46

And the point in Gee, you've got low key maintenance. I wonder whether the wording might be tightened up there because I'm not sure it's clear to people what low key means and maybe just have a look at the tightening up that wording.

14:59

Thank you.

15:00

Thanks.

15:04

Okay, I don't have anything else under Article under requirement one.

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So I think we'll move on to two and I've got a note that

15:17

North Yorkshire council at flags, requirement two, which is on time limits, is there anything you'd like to come in on on that Mr. Reynolds?

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No, excuse me, Michael Reynolds NYC, there isn't anything to raise on time. Lewis, I know that I know, in our statement of common ground, we had sort of put it in a blanket thing that the DCO wasn't signed up, but that wasn't too intended all of the environments. Okay. So on that basis, I will ask you to just show indicate when you're interested in coming in, or some of these requirements, cuz some of my notes is based on that list and the statement of common ground.

15:53

design drawings.

15:56

Again, we don't have anything to raise here were quite quite clear how that all fits together.

16:01

For then, is on the stages of the authorized development. Last time, we discussed this in some detail in terms of trying to understand what might be a stage whether it would be a temporal stage, a geographical stage, whether or both of them I think that was the answer was that it could be both. And we were told that a weld under this requirement stages plan is a written scheme, it's called

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would be developed, which would, which can only be developed posts and the posts and sensations contractors are on board to set out

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the sequence of events in the in the construction of the project.

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We can see that

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we have a clause added this time, which is what we discussed. Part two, which helps

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does the applicant firsties want to reflect on anything? Any any of your thought processes around? You haven't made any further changes since our discussion last time? Are you satisfied? Having heard the concerns about that, that you've now got something? No, you provided a framework kind of stages plan is an example of of what's been used on other cases, which was very helpful.

17:08

But as far as you're concerned, are you satisfied that this does the job you want it to do?

17:13

Mr. Turney

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bridge certainly for the applicant? Yes, we think that it's an appropriate way of addressing the question of stages. I don't know if anyone else wants to add anything on the rationale for it. But

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Mr. Reynolds, would you like to raise anything in particular on that?

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Thank you, I think we wanted to say that would welcome an early indication of what the stages will be. Would you be able to

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point me in the direction of the

17:44

Yeah, suggested No, no, it was suggested. And I was at a plant from another. It's it's basically a blank version of something, a template that has been used another scheme. So it's a kind of all the details about scheme taken out. And if anyone can turn with the exam, that'd be referenced off the top of their head, then they get a prize.

18:03

I suppose it needs to be done. Now, though. Maybe National Grid could just let you have a look at that is sort of sets out.

18:09

And it might come back to that in a moment. I think one thing we discussed last time was the question of so at the moment, the requirements,

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say development can't commence until the scheme has been submitted to the relevant planning authorities.

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But it doesn't need to have be subject to any kind of approval process. And we we heard views about that.

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arguments in favor and against having an approvals process for that.

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So any views you might have about that, and then also that we had debated a little bit about the ability to subsequently amended it from time to time and notifying again notifying rather than having that

approved. So any points on those matters? We're keeping an open mind on this one at the moment. So just happy to hear the views of the council's

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I think I might like to come back to that later. But I think

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right now, I think it will be difficult for us to challenge the stages at which they need to construct the app or the development, I don't think we'd have to, we'd be able to do that as they I think

19:11

any changes to I think, you know, time limits for that. So newclimate for that would be would be good, but not for sign off of the overall stages. And that was basically the argument we had is that, you know, is it appropriate to that you would effectively be able to sign off? What is a contraction program, etc.

19:33

Miss White, I can see you've got your camera on. Would you like to come in on this? Thank you, Louise via the city council. Yes, I think their written scheme of stages template is at Appendix E. Document 842 or rep one, dash zero 18.

19:51

That was certainly the response provided in that particular section to the questions as a response. Just just to be frank with you. I'm quite happy with what they

20:00

more in terms of their justification on stages. So I'm going to raise no more issues on that part. Thank you. Very helpful. Thank you. And thanks for the I'm so sorry, I'm not in the room, I would have given you a prize. But

20:12

thank you for finding the exam Library Reference. Mr. Beaudry. From the city of York, would you like to come in on this at all? I know you had your party to that discussion last time.

20:26

No, sort of MARPOL rusutsu. Got counsel. No. Got nothing to add at this stage. Thank you. I think we'll we'll leave this one there. And then if the if you did find you wanted to make any further comments, then North Yorkshire Council can do so in writing?

20:41

Did you want to come back on that Mr. Turney at all.

20:44

We'll move on to requirement five then which relates to the construction management plans. And then one really useful document I would point to that we've had since the last hearing is that plan of plans

single page document, which is basically a diagram showing how all of the different plans fit together? It looks like that. But it helps it when in terms of understanding which plans we have, and we'll go by the examination at the end of we will have a final version of and by and then sort of more framework plans that will then come after consent and with which will have to comply with or be in accordance with those framework and outline plans as to helpful one pager There we are.

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So

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I have one question about this. But I've just come to

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the council's to see if there's anything you'd like to raise specifically under this requirement on construction management plans. Nothing. Thank you very much for Mr. Reynolds. And Miss White.

21:49

Thank you. Thank you. Mr. Baldry.

21:55

No, thank you. Brilliant. Thank you. The one thing I wanted to raise was just relation to the outline so management plan. I know it sounds like I'm slightly over interested in the outline. So a management plan but so that it's not included in in either of the lists in requirement five or requirements six, we haven't we have it we know we have a draft of it or actually a final version of it, which would be in the list of documents to be certified.

22:22

But my question is, requirement five three appears to only secure it in respect of pre commencement works. And that seems to be confirmed in the plan of plans document I was just talking about. And so requirements six requires that the soil and aftercare management plan is in accordance with the outline plan. But is the outline plan itself actually properly secured? Is a question because it's not actually included in those lists?

22:51

Does it apply to commit to the construction? Does it need to be applied?

22:57

It may be an academic point was Redman, Victoria Redmond on behalf of the applicant. So I think the reason why we haven't included it in the list in at five two is because it's not a full plan. It's an outline plan. So that's why it's not included there. So it's one of the plans to be approved, hence why it's included in thick, but six is based on the outline, which is referred to

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so the soil and aftercare management plan there is essentially based on the outline soil plan. But what we needed to make sure was that the outline soil plan was covered in terms of pre commencement works. So for construction works, it's dealt with under thick. And for pre commencement works, it's essentially dealt with under five. That makes sense. Three, thank you. Thank you. That's clear. Thank you for clearing that one up.

23:51

I know Mr. Jones, well, there was something raised wasn't there about from national highways in relation to the construction work and as traffic travel plan it just in that previous point was power. So sorry, it was Reverend Would it not be slightly clearer if rather than calling Ethernet lines soil management plan, it was actually the same title was used as in 661, a solid outline Solon aftercare management plan, I appreciate they they relate to different stages of the process. But I think some of the confusion might have arisen because of the different different actual names given to the documents.

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Mr. McDonnell.

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Mr. McDonnell National Grid, we're happy to take this away and you know, confirm back in response to that question, I think the key point is that the document that outlines soil sorry management plan. The comparison is that the further plan to be produced under requirements six deals with aftercare whereas the first one doesn't, but we can double check and confirm but I think that is generally

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Read the response as to why their titles are different in that respect.

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Thank you. Thank you. Was there sorry, gone? So I just wanted

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to be something in definitions, then it just clears that difference.

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Mr. McDonald, good. We can check the definitions at the same time as considering that point that's not a problem.

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Does national highways wish to come in on the point about the point that was in the deadline to submission? about changes to the ctmp to allow for construction workers travel plan?

25:49

Thank you, Bellingham for national highways.

25:53

I don't have specific instructions on the point but my understanding is that agreement has been reached with the applicant on the point and therefore we're happy with the requirements now and I've no comments on them. Excellent. Thank you very much for that.

26:08

Okay, I think we'll move on to requirements six, which, again?

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We have We know there's this. Well, I don't even know if we're how much we can use go into. I'll ask the council's again.

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Mr. Reynolds, nothing to raise on Sixth. Miss White and Mr. Baldry anything to raise on six? No, it's nothing from city of York on that. Thank you. Thank you.

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Elise. Why the city council? Nothing again. Thank you. Fine, thank you.

26:45

And then looking at seven now, seven relates to construction working as we know, this is an area of disagreement, because we discussed it at issue specific hearing to

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Mr. Jones, I'm gonna ask you to take this one. But there was a couple of things. I think we know from our discussion the other day that we It seems to be in terms of the the outstanding disagreement is mainly in relation to the Sundays and bank holidays. Part of this now, we think we're clear on that. Now. We've talked a bit about the definition of piling operations for them to assist this requirement.

27:26

I suppose one thing I'd like to talk about or ask is about whether under Part Three, where it says the following operations may take place outside the core working so that carve out of the core working hours whether there's been any consideration to the need to agree that in advance with the relevant planning authorities.

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I come to the applicant to answer that one. Was that something that's been out there in other DCS? It's

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it's been something that's been considered.

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All right, Mr. McDonnell, National Grid, I think in respect to the carve out in requirements, seven construction hours, the activities listed there are activities that we will be programming to undertake at

those points in time, ie outside the core working hours, so we don't believe it will be appropriate to seek an approval to do so. This is representative of our Preston dcl was on other projects, including the Hinkley da order and the rich court order. But we would happily provide further details. Should you require that.

28:35

Thank you. I think we have those. There's justification for that already.

28:43

There's nothing else for me. Mr. Jones, did you want to pick anything else up following that conversation we had at issue specific hearing to?

28:51

I don't think so Miss Paris. Obviously, we did give this a good airing it issue specific hearing, too. And we'll just ask the local authorities, though, if there was anything else they wish to say on this matter. Starting with Mr. Reynolds as he's in the room.

29:11

Thank you, Michael Reynolds. I don't have anything. At the moment. I do think I'll

29:17

just go back and look at the justification for for those points and just familiarize ourselves with those. But I don't have anything else to say other than Thank you. Obviously, I'm aware of your your position, Ms. White, but is there anything else you wish to say?

29:41

I'm not hearing from Miss White, so maybe she can come on in a minute if she's if she's available. If not, Mr. Boundary city of York. Was there anything else you wish to add? No, not at this stage. Thank you very much. Okay, thanks. Once again. I'm aware of your position. Ms. White, are you are you around? Thank you, Louise, my Leeds City Council. Sorry. I just got

30:00

delivery? No, there's nothing for me to raise. Thank you. Okay. Thank you.

30:05

I don't have any further questions on that at this point in time. Thank you, Mr. Jones. Then we'll head on to the landscape requirements. And I'm going to pass over to Miss Coombs on these. Thank you, Mr. Turney, I think in my list is three areas. So you told us that

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is h2 that had been some applicant redrafting on climate aid, which had been considering, and I think the two matters that held over from that issue specific hearing is on what the scheme for mitigation planting is based and if the documents needed that was the first one which would be eight one A and

then eight, one C, we talked about whether the duration for management and maintenance might be different for

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lands in the ownership of the applicant versus land in the ownership of other parties.

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Rich journey for the applicant. So,

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we will be proposing some new drafting for these three requirements

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in the next version of the DCO and just try just very briefly explain and then come on to the particular points. So where we think this this should could be more clearly expressed is to identify a landscaping requirement in respect of the permanent infrastructure at Overton, Tadcaster and monk fryston. So that should be a separate requirement, then reordering so that there is a an obligation in respect to the retention and protection of trees next. And then the third requirement would be in respect of replacement planting, which we think best reflects the point we've been trying to explain. And I think most parties have understood what we're trying to do. But it's it's, I think it's a better structure.

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So, in respect of the

32:04

the landscaping out the substation sites, we

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have taken on board your concern about management beyond the aftercare period. And I think we want to take away and identify the precise number of years that it should be, but we think it's it would be appropriate to have a management regime of some sort in place in in subsequent years, given the concerns that have been raised.

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And we also

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wonder whether this requirement might be an appropriate place to deal with

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an issue which we touched on, which was

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variation in the form of the landscape bunds. So to deal with the precision, the precise landform

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unlikely to be changing the height of the bands proposed, but more, as I think this further compromise explained it, I didn't he did explain this room explained to me outside this room, but providing some variety in the landforms. So it's not a single band, which is not what we'd intend, but it would allow to secure that and provide details for that. And then, so I think that addresses sort of the changes on that sort of first limb of the permanent landscaping, sorry, the landscaping and the permanent infrastructure.

33:38

And then going on to the, what is currently described as mitigation planning, and how that is to be measured.

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As we as I've said, we've, we're going to suggest that's pulled out into a separate requirement that makes clear, it's concerned with replacement planting. And it should be a reference to

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accordance with the principles contained in the CSCP.

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Providing compensation for the losses identified in the approved tree and hydro protection strategy. And that scheme, that records for the cicp and which provides the compensation for what is identified as being lost should be the document that is approved by the authority. So there's two measures there, one of them the principles,

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and the other one, the actual details set out in the tree and hedge reputation strategy. So we haven't yet advanced that wording, but we will do so.

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But that seems like a really good way forward from my perspective, but I'll just turn to the council's for our views on that. Michael Reynolds. I agree. It seems good to wait

35:00

smoke and mirrors white

35:03

varies widely City Council. Yeah, I completely agree that they should be separated to make that perfectly clear.

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I still withhold my argument from Yeah, from Wednesday's hearing

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about the duration and the retention in perpetuity

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of any replacement landscaping by a 106. Thank you.

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Mark Baldry city of York Council. Yeah, we would agree along the same lines as lead city and NYC on this one. Thank you

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certainly tended to want to come back on the point made by Miss White Richardson, if the applicant I think I'll say now that we're not proposing a sort of in perpetuity obligation,

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we're talking about in in two parts of management regime for the planting that's provided to mitigate the effects of the substation sites that we think should extend beyond the five year aftercare period previously identified. In respect to the replacement planting, it's in land which we're not acquiring the freehold to, so we have to strike a balance between

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the interference with the landowners rights, and also the baseline position, which of course, is that they could remove existing vegetation, the idea is that we would replace what is lost appropriately, and that we would then for an aftercare period, ensure that that replacement planting survived and, if necessary, had to be readdressed if there was a problem with the the plant growth and so on. But after that the correct position we say is that's dealt with under normal land management and any other measures that might be imposed later.

36:42

Rather than being something that's dealt with under the development consent order, because that minimizes the interference with the landowners in dress, and ensures that effectively, we've restored the status quo without imposing further protections in the future. That's why did you want to come back on that? Thank you, Louise whitely city council, I understand that approach. And there is

37:05

more than subtle differences between requirements for mitigation, planting and replacement. I think if the applicant is going to continue with that route, then they need to be made aware of our policy, and terms of replacement planting, which is three to everyone lost.

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So there will be provision of new planting, not just replacement planting on that basis. Thank you.

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That's very helpful. Thank you. And

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if that can be considered

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a response to that deadline five on that I think.

37:44

Just want to check my notes to see if there's anything else.

38:07

So we've sort of covered eight, nine, a new one and 10. So can I just I think we're still not completely persuaded by the absence of an outline tree and hetero protection strategy. I know there's something in the crcp.

38:25

But whether there could just be something that's a bit more detailed.

38:32

I think we would like to see that.

38:37

And I think that points been raised in part by city of York Council

38:42

in one of their representations, so and

38:47

there's points like the reference to an audible system of compliance. So just a little bit more detail about how those

38:58

mechanisms for control would take place. I think that would give some further comfort to the council's and city of York I think suggested that an arboricultural specialist would need to be appointed

39:14

to ensure that the arboricultural management plan was implemented correctly. Now, I know you've got lots of works mentioned in the CSCP. But I think maybe there's just a bit more work to do in terms of

39:29

ensuring that the appropriate

39:33

skills to manage the or to to ensure that the landscape works and management from maintenance are being undertaken in accordance with the relevant specifications, just so that the counselors can be

satisfied that those individuals would be part of the contractors team. I don't know whether you want to add anything Mr. Baldry, I was sort of taking on board the comments that you'd made in your previous so

40:00

admission,

40:01

nothing additional from me, thank you very much

40:15

it's an average 20 for the applicant, we'll take those comments on board and reflect on what's in the CSCP. And whether it is a separate plan or whether it is drawing out those references more clearly into a separate section in this ESCP to provide that sort of yardstick against which a plan a detailed plan to be measured.

40:36

And I think just reminding ourselves that that sort of

40:41

the measurements of how the planting is establishing goes on beyond the construction period.

40:48

Thank you.

40:56

Thank you very much, Miss coons. Okay, so we're moving on.

41:02

To I've got requirement 12. But I don't have it in my notes that anybody's got wanting to raise anything on 12. I do. Mr. Reynolds, please come in. And Michael rounds, just to say that we

41:18

there was some

41:21

there was a discussion between our consultant on the contamination, land and the applicant. And we're now in a position where we don't have any issues with the

41:32

that's very helpful with this with this one on number five. Thank you.

41:37

And on requirements, their team. Again, I think it was recorded in one of your submissions. Mr. Reynolds. I don't know if you still have any outstanding concerns on this one?

41:50

Nothing on 13. Okay, thank you. We've this has been raised by HD internal drainage board. We've seen the comments, we've had a response from the applicant.

42:00

In the absence of the drainage board, I'm going to suggest we handle this the same way as we have with the other articles. If the drainage board happens to watch the recording, then we would say we're we're waiting. Your thoughts on the deadline three

42:14

response from the applicants on that.

42:19

Requirement 14 highway works.

42:22

Notice I didn't actually check in with the other councils whether there was anything on 12 or 13. But I'm assuming your raise hands if so. Nothing from North Yorkshire Council on the on highways works

42:35

15 on removal of the existing overhead line. I don't think we have anything 16 on decommissioning and they were point was raised by national highways

42:44

and a request for a

42:47

specific decommissioning plan.

42:51

Mr. Bellinger? Are you still there? Would you like to come in on this? Yes, probably on national highways that this has been addressed. So again, our concerns in that regard have now gone away. Excellent. Thank you very much.

43:05

And then requirements 17 clearance over the river cruise.

43:09

We don't have anything. But we would like to then have a quick look at requirement 18, which is a new requirement added in this iteration of the DCO. And I'm going to hand back to miss Coombs.

43:21

I think we had some discussion about this earlier in the week. And

43:26

our understanding is that we've

43:29

seen the document has been submitted. And the requirements is for the local authorities to approve a couple of elements that are contained in what in that dasey. And the discussion we had

43:44

earlier in the week was just really sort of

43:49

developing

43:52

opinions as to whether there should be more of the contents of the diastole

43:56

controlled by the on the face of the order. So in a sort of expanded requirements 18 I think, certainly Leeds City Council, we're going to come back but they're going to come back to us yet on that. But I think just turn to Mr. Turney. First of all, whether you've had any further Intel ternal discussions about that

44:17

bridge attorney for the applicant. So we think that at the substation sites, the

44:24

request what the requirements should could provide for the approval of external color and finish of the buildings at the substation site, which would include all of the buildings, and I think it's already caught by it. I think the other area where we thought there was scope for approval was for the acoustic screens.

44:47

Albeit I think it's limited to a color choice rather than a specification of a color. So we'd want the wording to reflect that. The data explains that effectively. There's two options. So there's there's limited scope.

45:00

to creativity. But then

45:03

in respect of the other elements,

45:07

we don't really see the case for further approvals. I'll just briefly explain why in respect of

45:15

the fencing of the substation itself.

45:21

Effectively, it's galvanized steel. And whilst people do sometimes paint galvanized steel fencing, it's not a very effective paint. And we can't get away from the basic requirement to use the galvanized steel fencing. So

45:37

our viewers that that's not something that should be subject to controls over color or external finish,

45:45

there is scope for some other fencing.

45:49

So for example, around landscaping areas, and if that needed to be approved, it could be approved. But I think generally, that would be quite simple post and rail fencing. So we wouldn't anticipate that being a matter of complexity.

46:05

In terms of surfacing of roads, generally speaking, for the main Bell miles and so on to the highway network, that's really highway requirements, and it would, it would be damage.

46:20

I think in in each relevant location to tie in with the road network,

46:26

we did consider whether there was a case for an approval of the vehicle access routes within the substation area in terms of the surfacing. But we, our conclusion is that it's simply not necessary to have that approval, they would be behind a palisade fence,

46:46

there may be the occasional location where you can have a view down onto them. But in reality, we don't think that's actually going to give any useful control. So the movement is fairly limited. It's really in respect of acoustic enclosures is the key thing. And also fencing. This isn't the main security fencing of the substation.

47:10

And I haven't got the dossier open at the moment, but can it can somebody just tell me whether I'm in terms of

47:18

the

47:20

the materials, though, not the app, the surface finish? Does it say something about lack of shininess or light, or

47:30

I'm just thinking back to the example that I cited earlier in the week with regards to the workshop at the monk fryston. And

47:39

I think what we're,

47:41

what we would like to see something that would ensure that the surfaces were dull, because that means that they're less visible in in sunny days. And so if that could if it's not there, if that could be incorporated in the dusty, I think that would help. And then that would then from what you're saying that would refer to any building and not just the control buildings.

48:05

Ship bridge, same for the applicant will will check. I've got the data in front of me, but we'll just review it. In any event to pick up the point that you made about

48:15

effectively reflectiveness and brightness of color. Certainly what it anticipates at the moment is that there's for the buildings in terms of the larger buildings, the immunity and control buildings, there's scape,

48:33

a little bit of design,

48:36

within reason in terms of choice between cladding and brick, and so on.

48:41

But in respect to those smaller

48:45

modular buildings and screening,

48:50

they are, they are metallic. They're metal, and they're not going to be clad. But there's scope. Certainly the colors that are identified for our proposals would be in the olive green or gray. So that I think would

address your point about having white buildings. But we're happy for that to be the subject for an approval as well. Thank you very much.

49:13

I don't know whether any of the council's want to.

49:17

Its Reynolds, is there anything you want to add at this stage? Not at this stage. I know that we definitely we might come back in what well, we will come back in more detail on it when they've had more chance to review it. The overall it was it's been well welcomed. It's not going to be a blanket approval. I think we just want some more time to consider what you've said.

49:37

And just to note, Mr. Jones would like to come in on something that was just saying Mr. Jones if you'd like to come in before I asked Miss White possibly miss combs Yes, because it might be a question that it might preempt a question was wiped out. It could be that I didn't hear you correctly Mr. Attorney, but were you saying that the palisade fence and then the close wire mesh for metal fences were only comes in the standard

50:00

sort of metal gray color and doesn't come in a range of other colors.

50:05

A rigid attorney for the applicant in terms of the palisade fencing, it's galvanized steel. And whilst it can, in principle be painted, it doesn't really work. I think the alternative is that they are made in a painted finish, but then there without the galvanization and they impose a greater cost and a higher maintenance obligation. So we

50:33

we National Grid's position is that the visual effects of the substation, including the galvanized steel fencing should be addressed through the mitigation planting that's proposed and effectively in terms of those, those views. That's, that's not to be suitably to be addressed through through painting of the fence. And it's recognized that that fence is a particular feature of these substations. But in practical terms, we don't think there's a solution that would lead to that fence being a completely different pillar.

51:10

So as the palisade fencing that clearly comes in a range of colors, not galvanized steel, then

51:19

I'll ask Mr. Fowler, he knows more about fencing, Steve Hall and there is a process that these fences can be called. But there is a certain elements of cost, additional maintenance and longer lead times for these fences to be acquired. And National Grid standard. technical spec specifies galvanized steel fences, which we will be looking to stick to.

51:49

I think we'll just wait and see if there's any further responses from the local authorities.

51:55

You could argue that it matches with all the rest of the infrastructure on the site, which I would probably be doing if I was

52:03

working on that bad. So Ms. White.

52:08

Did you have any further points? I think

52:11

Mr. Reynolds is coming back at deadline for with further points from North Yorkshire councils. So we're happy to receive comments now or in writing it deadline for

52:21

Thank you, Luis whiteleys. City council.

52:24

I'm happy and welcome this

52:29

new part to the dcl.

52:33

As a recommendation I would

52:36

excuse me, a dark green color to be applied.

52:40

Particularly in Greenbelt locations.

52:45

I landscaped sensitivity areas.

52:48

I also think the screening of these fences might be particularly important as well if they are to be gray. And therefore there might be a little bit of a deal to be done there between provision of screening as mitigation planting. If the color can't be achieved, which the examining authority think is applicable. Thank you. Thank you, Mr. Mr. bouldering. Have you got anything to add?

53:14

My border city of York council would welcome the addition of this element into the

53:22

sorry, into the DCO. And

53:27

yeah, I have no comments to add at this time. Thank you very much.

53:32

As far as I've got anything more on that one.

53:35

Thank you.

53:37

Okay.

53:40

The only other point under requirements that I wanted to pick up as I think may have fallen away, but it was just related to the environment agency. And we know that there were some comments on the requirement, or at least there was an inability to confirm that they were happy with requirements. But I suspect if you're still there, Mr. Wilcock that that position has changed. As we were updated earlier in the week, are you? Are you content with the requirements now? Or are there still any outstanding matters?

54:04

That Matthew Wallclock Environment Agency? Yeah, happy to confirm that. Yeah, we are satisfied at this time. Excellent. Thank you.

54:16

Okay, so thanks very much. We've, we've recorded what's been said about the change to those landscape requirements. And we look forward to seeing how that plays out when we see the next iteration of the DCO.

54:28

We'll move on to shedule for again, we discussed this in some detail at the last hearing on the DCO. Which shedule for basically links back to article 50. About the discharge of the requirements. I can see there's been an update to remove the word planning from relevant planning authority, so it is more accurately describing the range of authorities that could be relevant authority for the purposes of this shedule

54:57

which makes sense I suppose I'll come to that.

55:00

councils because they're first, but we also come back to the Environment Agency and in any event that and possibly the national highways. So, Mr. Reynolds, do you have any thoughts on this schedule? Thank you, Fiona, I think is gonna miss Elwood. Thank you.

55:17

Hello, funeral wood from North Yorkshire Council.

55:22

I'd just like to say that we have set out a position on this item in the written response questions to your questions. And we have requested an extended time scale here.

55:38

What we have requested Just in brief is on schedule for one one for 35 days to be changed to 56 days or eight weeks.

55:50

On one three, for the seven days,

55:55

business days to be changed to 21 working days, on one four, for the three working days to be changed to five working days. And we've requested for one five to be removed, and then carrying that through into

56:14

to B, we would be looking for a change from the 35 days

56:20

under to

56:23

under to two to the 56 days.

56:27

Or just just like to really add that we have discussed this with the applicant. And that due to the we understand that due to the project's importance, the timescales need to remain as proposed. And there's been a suggestion that pre submission discussions could take place prior to the submission, the submission of a discharge of requirement applications. But there's nothing in the DCR to secure this and we could just get applications coming in. And we also feel that it's not really that meaningful due to the need to have pre application discussions because of the need for consultation responses, which wouldn't be available pre submission.

57:07

And we're just stressed that North Yorkshire counsel do consider we need to ensure we've got sufficient time to review these applications and to consult on the discharge of requirement information.

57:19

And whilst we always endeavor to respond in advance of the timescale, if possible, and that is often the case. However, the ability to do so would depend on on the quality of the submission and the potential need for the amendments. And the time scale of this DCO has indicated just how complex this is and what a significant application this is, and that revisions are often needed. So we're only requesting timescales that are in line with the discharge of condition applications on the under the Town and Country Planning process. We don't think we're being unreasonable here. Bearing in mind, the scale and complexity of this scheme is a significant application. And they'll be potentially significant amount of information to review, which we need time to consider. And we also need to take account of our resources. So you know, final point to make would be that, you know, having reviewed other DC applications, the timescales we're asking for are in line with many other DCA O's. So we don't consider being unreasonable in this request. Thank you.

58:20

That's very clearly set out. Thank you, Miss Elwood, I'll come back that actually will come back to the applicant and the end on that one and let you respond.

58:30

Rich Tony, for the applicant, we've set out again, already in writing why we say we should have these timescales and not the longer timescales that are proposed by North Yorkshire Council. As Mr. Ward explains, we have discussed with them the scope for pre application submissions, which obviously will make matters easier along with the provisions that we're discussing, to secure a PPA planning performance agreement. So we do consider that these are appropriate timescales, and that they're workable in the circumstances given the the urgency of the project. So as things standard, anything we're

59:11

happy to accede to where we're not happy to accede to North Yorkshire Council's request in respect of timescales, but we're, we've taken on board what they've said about the practicalities, and hopefully we can at least narrow some of the differences around that during the course of examination.

59:27

Thank you, um, you mentioned the PPA, so we'll just cover them quickly here. Here. We had. I know we've seen from the written submissions that that was a discussion that was being had in relation to the city of York, but from what you're saying, it sounds like that's a conversation for all three authorities. Can you just confirm? That's right. Yeah. And it's so it's a it would be a section 106 to secure a PPA with each authority that would allow them to resource the discharge of requirements at the post consent stage. Is that right?

59:56

Mr. McDonald National Grid? Yes, that's correct. There

1:00:00

is a new schedule has been added to the section 106 agreement and just only recently shared with the council's.

1:00:06

And that would cover a pre application process for the discharge of requirements, but noting what was said earlier, it would also cover any meetings that we would need to discuss any kind of consultation matters in respect of highway matters, etc. But the key thing being is that that that pre AP process is to, you know, to resolve some of the points that have just been discussed there. You know, the aim is that by the time an application is submitted formally under the DCO, and schedule for that all matters have been resolved. And therefore, it is a final submission where the data has already been seen Commons received, and it has been updated. And so it's in its final form. So in that instance, we do believe that it could be appropriately determined within the 35 days, laid out in them schedule for so yeah, the council's have received this, but only recently. So I fully understand they need time to digest that. And just to add that the 106 is committing to the PPA, obviously, the PPA will be set out in more detail and discussed and agreed with them. And that can include things like external resourcing, should it be required. So yeah, I hope that helps. Very helpful. Thank you.

1:01:21

spouse, I think Mr. Jones has a question. I think you

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just to come back, though to Michelle would before we do

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if you're able to agree to that the terms of the 106 and the PPA, would that mean that your concerns about these timescales would fall away?

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And funeral with North Yorkshire Council,

1:01:45

I don't think that would really resolve the problem. Because at the end of the day, a planning performance agreement doesn't mean that consults can respond necessarily in any quicker, nor we can prioritize things, but it still has to go through the process. So we would still have concerns, even with a PPA in place about, you know, resourcing the availability of people. And just the timescale that this this given the complexity of the scheme, and the need, potentially, for perhaps, you know, more than one or two amendments, that that timescale is not realistic.

1:02:24

Thank you. Before I bring Mr. Jones and I will just check the position. We've we've now talked to North Yorkshire, I just talked to the other count to councils first. So Mr. Beaudry, city of York.

1:02:37

My apologies, city council and we think we've received a redraft of the 106. Earlier in the week, so perhaps prefer to reserve any

1:02:50

comment or judgment on that until we've had an opportunity to review that. But in principle, I think generally echo the points from from North Yorkshire. Yes, on the one hand, the 106 in the PPA, arguably secures the the mechanisms to, perhaps give us an element of comfort in terms of the timescales. But the fact potentially still remains of just the mechanics of it and those timescales relative to you know, rounding responses, often things is primarily the issue. Thank you very much. And Miss White on Leeds City. Thank you. Louise Valley City Council. I think I echo Mark's comments. We it was only being raised in a meeting quite recently that the PPA

1:03:46

discharge has been under my consultant separate tours, but working with us might be the answer to speed up timescales. I'd be interested to see the mechanics of that.

1:03:55

But I agree with Miss Elwood that there would still be certainty to be

1:04:01

in terms of consultation and checking over that information by a consultant to ensure that everything's correct. So it may still take some time.

1:04:12

But I think from the city council's point of view, there's probably less information for us to look at and discharge potentially, in comparison to other authorities. So I think on the NetScaler, severity leaves is at the bottom end of that. Okay, thank you, which Mr. Jones would like to come in before we go back to the applicant? Thank you Miss powers. Yes. It was just a question to the three councils and it was just putting you on the spot slightly. But in terms of your scheme of delegation, that should be enshrined in your Council's constitution. Are you able to discharge the requirements of a DCO into delegated powers or would that be something you would have to take back to your respective committees?

1:04:56

I start with Mr. Reynolds because I suspect you would have the most

1:05:02

Almost sound would

1:05:05

say, oh,

1:05:08

yeah, funeral Woods North Yorkshire Council, I would need to come back and confirm whether that's the case or not. And we have had a recent

1:05:17

through local government reorganisation, we've had a

1:05:21

new delegation scheme, which now puts the vast majority of case work through under delegated powers and less less to IT committee. But with this being a DCO, I'm not entirely certain at this stage. So I will just need I would need to check that and come back. Thank you. Michelle. Wouldn't say same question to Mr. Bovary.

1:05:43

I would have to take the same position as Ms. Old it would something be something that I would need to double check. Thank you and Miss White. Yeah, Louise whitelisted. Counsel.

1:05:55

I have certainly no delegation rights with respect to end sips, not as my chief planning officer. So that's something we would have to take internally with our legal colleagues, we also have separate to that service level agreements with certain companies to carry out certain things on our behalf. So it may be the case that in selecting somebody to assist us with a PPA process, each council would have to look at who they can and can't use. Does that make sense? It does. miswired? Yes.

1:06:26

Okay, thank you, if that's something that all three councils could come back to us on, because clearly it might make a difference whether it needs to hit a committee cycle, or whether it can be done under the under delegated powers.

1:06:37

Thank you, as powerless. Thank you. Miss games. Did you want to come in there? Yeah, certainly, I think what's sort of comes through quite clearly to me now is that it's one of the issues for all the council's is the need to consult with others and the timescale. But that takes. Now I know, on other orders, there's been a

1:06:59

sort of separation between two types of requirements. So some requirements taking longer, it's getting a longer period of time for consent and loved as the more simple ones. So the requirements, or the the need for approval process for different requirements was defined in a different way in the equivalent of sheduled, for the different timescales. And I don't want to add complications to you. But if that's something that then enabled some of these disagreements to move forward, then perhaps that's something that's worth considering.

1:07:40

Thank you, Rich Tony, for the applicant. I think

1:07:45

there's only a couple of Consultation requirements here. But I'd say the point that that we need to consider whether that would lead to a different

1:07:54

a different process. I think the point I'd emphasize is, although this is a big scheme, one of the features of this scheme and in distinction to a lot of DTOs is that a lot of the documents we are seeking approval for now. So the key documents such as the cicp, they're not going to be submitted to the authorities for approval, because they will read they will, if development is granted, they will be approved and certified. So I think

1:08:22

design details is another good example. Often DCS will have quite complex master design that still for subsequent approval. And here, without diminishing the importance of that approval, it really is in respect of surface materials, and it's quite a limited design approval, the way that we're proposing should be included in in a requirement. So

1:08:41

I think I think that's important context.

1:08:46

That supports our position in respect of having relatively constrained time limits. I think what we'll do is we'll we'll take away the point about where are the Consultation requirements? And how, how of tool should those affect the provision. So there is, for example, in respect, it's in a couple of points as a requirement to consult with the Environment Agency. And we'll take away as to whether that should, further time should be allowed for that. But

1:09:16

I think generally speaking, as I said, at the outset of yours, that

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that we should have these relatively constrained timescales, given the urgency of the project, and I think, despite its scale, the limited number of approvals that we're seeking.

1:09:31

Thank you. That's helpful.

1:09:33

Thank you Miss games, is it do any other parties that could be relevant authorities for the purposes of schedule for wish to comment?

1:09:42

I know we've got Environment Agency and

1:09:46

national highways, if they were the Highway Authority.

1:09:52

I'm not seeing any indication that those parties want to come in at this stage. Okay. So yeah, thank you for

1:09:59

taking

1:10:00

Those points away for further consideration. There's nothing else from me for scheduled. For now, I'm going to propose them that we, unless anyone wants to read something specific that we leap forward to schedule 15. So that we have some time at the protective provisions at this point.

1:10:17

Does anybody is there anything in any of the intervening schedules that anybody does want us to return to after this, I'll make sure I can allow some time but we don't have anything it's going to go straight to 15.

1:10:28

Okay, lovely, then it looks like we'll go straight to 15. And I'll hand over to Miss Coombs.

1:10:35

So I think as we've got canal and river trust, and not exactly in the room, but with us, then we'll move straight to the protection provisions for them. And, Mr. Hughes, it was the rather than the schedule 15. It was the document that we sent the link earlier this morning, which is the

1:10:51

track changed version of the canal river trust predictive divisions.

1:11:00

So I'm not sure who would be speaking on behalf of.

1:11:06

Oh, thank you Miss combs. So I perhaps just an update as to where we've got so we have this document in front of us, which is obviously the track changed version, whether there's been any movement on any of those points. This are where the differences are a bit difficult to see on screen. Yeah, thank you. Thank you, Simon Tucker, from canal and river trust. Yes, I mean, the trust has been engaged with the applicant in relation to the protective provisions to be included in the DCO. And we understand the examining authority seen the draft provided by the trust that deadline to dated the 26th of April. The applicants since accepted with modifications a number of additional protective provisions sought by the trust, and we are grateful to the applicant on the progress made so far.

1:11:56

Most recently, the Trust has held call with the applicants and its legal advisors on Thursday the 18th of May. And we received revised drafting on both first of the 18th. And also Monday, the 22nd of May, progress was made at the meeting. But the party still remains some way apart on some matters concerning the daytime and high season river closure. The notice period for river closures and relevant works, which we briefly discussed in the context of article 54. And also some deletions made by the applicant in their latest submission to the trust concerning the definition of construction, which removes protection for the trust in relation to maintenance and various other works. And finally, also just some details concerning the requirements for the applicant to seek the trust's consent for survey works and and the closure of the river. And in relation to them. We're aiming to continue to engage with the applicant and we are hopeful that these matters can be resolved with further engagement

1:12:56

and that we're further understanding of the obligations of the trust protective provisions can be agreed prior to Deadline five that's that's our aim essentially.

1:13:06

I mean, talked about the periods of closure notice period obviously, we've previously discussed a lot of the reasoning for why we why we see higher periods of notice periods when we discussed article 54 about how closing the river is a complicated matter.

1:13:22

It's worth noting, I think my colleague, Alan Danes is available now if there's any further questions on the implications of river closures, Alan's the person who typically coordinates river closures with third party applicants.

1:13:36

The trust has been in discussions with the applicant as to the appropriate notice periods to be included in their protective provisions.

1:13:43

Although we recognize the national significance of the infrastructure, we welcome additional clarity from the applicant as to why daytime working over the river is being sought by the provisions given the contents of the public rights of way management plan, which discusses nighttime working.

1:14:01

It's worth noting that for nighttime working due to their lower impact the trust can accept a shorter notice period of 28 days.

1:14:09

As mentioned earlier experiences a lot can be achieved during nighttime works. If the applicants unable to accommodate the worst during nighttime

1:14:18

than the tourists do still have concerns about draft in the applicants proposed the draft and doesn't draw a distinction between a single day of closure or multiple consecutive days of closure. And we would have concerns with the idea that multiple consecutive days of closed ship could be enforced by the notice.

1:14:38

We've we have accepted with the applicant that daytime closures of less than an hour would have less impact than then a longer closure during the daytime and would require less notice.

1:14:53

However, that you know for longer periods and also circumstances, not in circumstances where the trust can demonstrate the need for consecutive days.

1:15:00

Anytime closures, the trust would requires, you know, a notice period of significantly greater than what's currently being proposed by the applicant.

1:15:09

And one final point to note is latest drafting, receiving the applicant doesn't allow for any notice to be provided in case of emergencies. The trust appreciates that general Gen genuine emergencies can occur. And we will request that in that situation there should be given notification as soon as reasonably practicable. Although we do anticipate we don't, by any means want the wording to get in the way of the applicant responding to any emergencies. Obviously, it's in our interest with our users as well to resolve those matters. And we can provide a suggested draft as the applicant on this. So yes, we are currently negotiating these points, and we're hopeful we can agree a position by deadline five, my colleague, it's okay for my pass on to my colleagues and mount for Woods, who can probably provide a bit more clarity on the on the other matters, we've raised. Those. Thank you. Thank you.

1:16:06

Thank you, Simon. I'm basically what I think I can do.

1:16:11

As we've been advising on the protected version is is take you through some more of the detail beyond that kind of notice, provision point. If you did have any questions at this stage on the notice periods for Simon or Alan, I think it might be worth taking the opportunity at this stage. But you may have heard enough earlier on that point.

1:16:30

Yeah, I think we've already missed Mr. Turney. Bridgestone for the African, I was just gonna say that, I think the slight difficulty is that there's at least one more iteration beyond this document. So there was a meeting, we provided an updated draft with another updated draft, and then various clarifications by email. So it would be better if CRT could mark up our draft, and tell us offline where those changes need to be made. Because I don't think we'll be in a position to negotiate wording during this hearing.

1:17:04

And I think our view was, we thought we were quite close in what we've done to what canal and river trust wanted. So I think it to me, it seems as though the best thing would be for them to respond on the market up, get that back to us. And then we can see whether that's acceptable to us.

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That's what does that sound like a sensible approach to you? It does. Some other words for us kind of addressed. It does. To some extent.

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We agree that we've had productive meetings, and there have been nice drafts meeting between the parties, and there is movement for which we're grateful. I think the reason that the trust just wants to appear today and make these points, it's just to put on record the the outstanding points of concern, partly because the draft wasn't quite what was expected when it came through.

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And so I think it would be just helpful to briefly take you through those outstanding points today was of use to them provide a further markup and

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to go through with them and and have heard the negotiations on that point. If if the panel is is happy for me to do that.

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We're happy to hear from you. But what I've heard from Mr. Turney is that the applicant won't be responding at this hearing. But the applicant is engaging further with yourself and canal and river cross prior to Deadline five, we hope. Yes, yes. And we and we fully expect that that deadline five would be appropriate for that. AD, just to add it in, in terms of here are your points today, whilst we were we'll do that in the context of fully understanding that what we're seeing on our screens is at least a couple of iterations older. So it actually might, we'll just will record your points rather than looking at them in the context of what we have in front of us. Because it may be just more confusing that way. There's Let's just hear the full name as you wish to make. Maybe we should have nothing in front of us. Thank you. Yeah, perhaps we'll be better. I mean, of course, I'll try. And I will keep it at a principled level, I fully appreciate this, don't wait referring to drafting that, that no one can see

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that, broadly, they come across three or four areas. The first one is ensuring that the trust is is adequately protected, not just during construction, but also during maintenance of the works that are going to be across the river.

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In short, there was a definition of construction that did include maintenance and other kinds of work within it. That's not in the latest draft received from the applicant. And although we do understand from

the applicant, they're not in principle, anti maintenance being covered. So I think that's the point where, as best attorney says, we just need to provide the revised drafting that we need for that, that protection.

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And

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there's a further point we've had some discussions about the trust code of practice in the past, previous hearing on this one, and we're really grateful that the applicant has accommodated references to the code of practice within the project.

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To provisions, there's one point of

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just uncertainty in the drafting as it stands about if the Code of Practice deals with something that isn't covered off in the protective provisions

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where whether that provision in the code of practice would be followed. Again, it's probably a drafting point. And we just need to seek clarity. But it's worth noting the trust position is that if the Code of Practice provides for something, and the DCO doesn't, it would like the kind of practice to be followed in that situation.

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The third point, which Simon already referenced, is just about when the applicant needs consent from the Trust for for the use of various powers, and specifically, the powers for survey and the power to close the river that we discussed at more length earlier. And there's there's been discussions on the processes that are appropriate for that. And the latest draft removes that consent provision. And we fully appreciate the applicant is trying to simplify the drafting, which I think we're all for in terms of its application so that everyone knows what's going on.

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But we're slightly concerned that the way that it's been done means there's less opportunity for constructive discussions on the use of these powers. And we've moved away from being able to give a consent with terms and conditions attached to it to a pure plan approvals process. So it would just be approval or, or disapproval of plans. And we just think, again, through through discussions that we should get to a process that everyone is happy with to make sure that that navigation is protected.

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And that's particularly the case for the the survey survey power as well.

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And generally in DC the survey power does does does require the consent of the of the trust and allow for it to be subject to reasonable conditions.

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And then the final point is worth raising. They've been helpful discussions with the applicant about what might happen if there's a failure to complete specified works nearer to the river.

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The trust fully accepts that there needs to be a limit on stepping rights for the trust to get involved in it by no means wants to get involved in carrying out electrical work. So what's the electricity network, it just needs adequate protection is to know that if something is left uncompleted, that that there is an obligation to to get that completed. And I think it's probably just a case of adding in some wording to ensure the applicants

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needs needs to complete those works as soon as reasonably practicable after it's been told about them by the by the trust. So those are really the key outstanding areas, no reason to believe that we won't continue with engagement on them. But just appreciate the opportunity to to put those put those on the record for the panel.

1:22:58

Thank you. That's very helpful, Miss Wood. And just to say when we had, we talked a bit about protective provisions yesterday as a compulsory acquisition hearing. And I'm action 16 on the action list that's now been published, has asked the applicant to provide were in any situation which we hope doesn't arise if

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condition, protection provisions aren't agreed by deadline five, then we've asked the applicant to provide the wording from both parties. But we would put that request to you as well. So if they're not agreed, can we see your preferred wording and the reasons for that? So that when we come to comment on the DCO, we've got we're absolutely clear about where everybody stands. Absolutely, of course. Thank you. Thank you very much.

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As far as I'm not sure that there's much else on

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resective provisions, because we had a health update yesterday, and there's an action

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on you in terms of the deadline five, and so I think we can move on, unless the applicant wants to come back with anything they've just heard. But we understand that those points are part of the discussion. That's fine. Thank you. Okay, good.

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shedule 16 we had on the agenda because it's been raised by the ID bees. But I'm going to suggest again, we put that in the same category as the other comments from the IDPs. And wait to see whether there's some movement towards agreement with those that's we do note just in passing over schedule 16 that there has been the addition of bylaw three of each of those IDB bylaws. So we understand the issue, I think, but we'll wait and see what happens with those discussions rather than have any further conversations about that at the moment.

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And then of course, we note those new shedule 17 which notes the head were hedgerows, which may be removed, which I know responds in part to some questions that we asked in our first round.

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Is there anything the applicant wants to raise on schedule? 17?

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Average 20 for the applicant, there was a question about correlating that with a

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hedgerow that hadn't been serving. Yes, that's come off as an action. Right?

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Yes, I found it. Thank you. I started it last night.

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Yeah, exactly. It's in there. I looked, and

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we've put it in as an action, or did we, in the end? I can't remember if it needed to be an action. It's an action. If it didn't, I think I think maybe we did. By doing that exercise, that was the action. So thank you for following up on that. That's much appreciated. Thank you.

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Okay. In that case, there's just a couple of other matters. And I think we should we'll, I will stick with our plan, which was to

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jump item five to writing because what it was just going to be an opportunity to ask for the latest position on the other consents and licenses. And that because that's just something from the applicants, I don't think we will ask you to do that now, just in the interest of time, but I will say that as an action for deadline for could you just give us an update? unless we've already got something in our timetable that asks for an update on consents and licenses anyway, by a certain deadline? Not sure it's in there for deadline for we can provide the updates. He's provided by deadline for Yeah, thank you. That's just helpful just to keep a watch on those.

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And then just to come on, we've already talked about planning obligations

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in relation to the PPA, so I just wanted to pick up on one or two other bits. So

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is there any update firstly said that we break that down into side agreements and planning obligations under item six is we have got the deadline one submission from the applicant, which sets out the tracking list or the commercial side agreements, is there any thing that you want to alert us to in terms of other side commercial side agreements you have going on all indeed the status of those that are in that existing list?

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Rich Tony fabric and I think probably the only point of interest is just to know Network Rail have requested a side agreement, and we're in the process of negotiating with them on that. So that's the sort of update I think the rest of it is just

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the matters are progressing as anticipated.

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Thank you.

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And then on the point of obligations, we did talk, firstly, we talked about the biodiversity net gain measures yesterday, a little bit yesterday morning. There was a quite a helpful update about the status of the draft section 106 agreement. So we won't go through that in any more detail. I don't think

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my recollection from that discussion is that the applicant intends to submit a copy of the draft agreement into the examination at deadline for is that correct? Even if it's not agreed?

1:28:01

Registered if African Yes, yes, that's right. I don't think it will. It will it may. We don't anticipate it will be agreed at that point. That's fine. But I think we're making progress on that. Yeah. I think it's relatively recently that the council have had a sort of updated draft from us. So okay, yep. I believe yesterday that Leeds City and city of York told us they're both body content with the drafting on that most recent version. And I think from memory North Yorkshire and Natural England, we're still reviewing the draft.

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Can I just check them with North Yorkshire? I'm guessing you have nothing to say because it's still under review, and maybe miss Elwood who deals with this, but

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it is. Overall, it is still under review. But the

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the ecologist Julia caston, who you spoke to was able to make some first comments, but I don't think we're able to progress it much further than that. Thank you.

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And just to check, Mr. Turney,

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are you satisfied that all of the matters that you're seeking to secure via that 106 are all matters that couldn't be addressed through a requirement?

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Register only for the applicant? Yes, this is the appropriate means still with them. But if it would help when we probably not a deadline for but we could put in a short note to explain why it is that we say it's appropriate to deal with these things in 106, that might assist us in reporting. Thank you. And together with that, perhaps the next point as well, which is just about being satisfied that the 106 would meet the tests for obstacle obligations, sort of a sheduled just setting out compliance with those tests, you've probably already done it. But again, just as the standard help helpful for our reporting purposes that to see that those tests and the SIL regs are met, etc. We will do that. Thank you. Does anybody else wish to raise anything on the biodiversity net gain section 106 agreement?

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Okay, we've talked about the planning performance agreements.

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I think

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and all the questions that I had on that have actually been answered. But again, if it becomes a 106, then the same would apply in terms of some kind of statement of compliance with tests. And then just to check, really, if there are any other section 106 is or other types of obligations planned at the moment.

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Richard, if the applicant know nothing else of that nature, okay.

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Thank you.

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In that case, if there's unless anyone has any other matters under item six, we'll move on to item seven schemes.

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I think Mr. Jones is thinking he's going to do it.

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Don't mind.

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He's on mute. So you get your views.

1:30:50

No Miss combs I just came on, because we're nearing the end. But I'm happy to do it if you wanted to.

1:30:55

You can do it, Mr. Jones.

1:30:57

Okay. Item seven is the point at which we review actions and issues arising from the discussion today, I or we have all been taken a note of the action points as we've gone through today's hearing. In the interest of time, I won't go through them in detail, but just to note that we will write them up and publish them on the Yorkshire green page of the national infrastructure website as soon as possible after today. And we would hope that that would be by the middle of next week. Obviously, bearing in mind, we do have a bank holiday on Monday.

1:31:27

And as we have said earlier, an important action as a result of today's hearing will be the submission of an updated version of the draft DCO and shedule of changes, deadline five, which is 11th of July. And as with the other hearings, written submissions of submissions per already today from all parties are requested by deadline for which was Tuesday, the sixth of June. I want to pass back to miss powers for the last two items of our agenda.

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Thank you, Mr. Jones. Okay, so we're just moving through any other business, then at this point. It's just an opportunity to pick up any final matters that we haven't covered yet today.

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We may ask further questions about the provisions of the DCO in writing. And there's an opportunity for us to do that, in our second written questions in the 20th of June. So we may, you may have questions from us, then. We've also got time reserved in July for any further issues, specific hearings, which I'd say at this stage, it's fairly likely to involve a DCO hearing.

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And we are still of the mind that we might be able to do that fully virtually, especially given that the only in person attendance today is from one of the council's and yourselves. So I think that's,

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that looks alright.

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Once those things have happened, then there's an opportunity and a timetable for the examining authority to publish our commentary on the draft DCO. And for all the parties to comment on that before the examination closes. So that's the point at which if there are serious matters of under still under contention at that point, then we will put out a probably a view for testing and see what people think we, we close the examination.

1:33:08

Otherwise, we've dealt with any matters that we wanted to as we've moved through the agenda, and then we don't have anything else to raise on to this matter. But before we move to close, I will just check there's not anybody else present who wants to raise something, either in the room or virtually before we do that.

1:33:27

Nope, it's a sunny Friday afternoon. So I had that's fine. I understand very well. I just wanted to take this opportunity to say a big thank you to everybody who's joined us in the room and also virtually not just today. But all of our events. This week, we found it extremely helpful to have all of your input and I can't tell you how much easier it is to hear things in a few days rather than sit there with piles of paper to read. So it's been it's been extremely helpful to be able to ask the questions and get some answers. We'd like to extend a special thank you to the individuals who took time out of their busy days to join us on the accompany site inspection on Tuesday as well. And Mr. Fowler I know I thank you personally but I think just to say on put it on record that you and your colleagues did such a great job with the itinerary, it was extremely well thought out. And we've covered so much in one day. So what we thought would previously take one or one and a half or two days can be crammed into one day, which was extremely helpful. Also, we're very grateful to the support from Miss Evans and Hopewell this week who have not only done a first class job of supporting us, but I know they've helped all the participants to to make sure that these events have run smoothly. And finally, just a big thank you to Mr. Hughes who's been driving quietly in the background driving the documents and they've it's really made things run smoothly. So we really appreciate your help as well with that this week. Okay, so after that Oscar speech,

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it's 224 and the lshs three is now closed. Thank you