

TRANSCRIPT_YORKSHIREGREEN_CAH1_SESSION2_25052023

00:07

The hearings resumed.

00:10

So now we're turning to agenda item five. And this is our opportunity to hear a little more about some of the locations we visited earlier in this week and others where objections continue to be sustained.

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We're not going to repeat locations about which we've heard under agenda item before.

00:29

And after the site specific evidence, we've got a couple of general points that we'd like the applicant to pick up.

00:37

So I organized the list from north to south, I know we did our trip from south to north. So I'm not going to pick up any further points on the ship to north and ships and South cables, ceiling and compounds, because we've covered those in sufficient detail and agenda item four.

00:56

So access point, this is B, five B access points of the A 19. AP 92. I think you've probably got the gist from the three I'm going to just have to have a glass of water.

01:21

The Justice just what seems to be conflicting information. So Mr. Bell said in his

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relevant right, he asked about that access off the a 19.

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The applicants response was this it was only used for on foot and the CDM drawing show a vehicular access. So just a bit of clarity, probably Mr. Fowler, I would imagine

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they fell on us good. Yeah, we can clarify that. So that access point is for maintenance of the outfall pipe that will be good to him, Scott, we're not proposing to construct a track but we have allowed

vehicle access there if needed, but there is a an existing bail mafia in it that is suitable for that maintenance as required, which will be very infrequent.

02:06

So the response that you gave to Mr. Bell's RR was not entirely correct them. I will take that away, I have only confirmed the response sent pedestrian foot on foot only. We just need to clarify. we'll clarify. we'll clarify that. But it's not for us for the construction. It's used for maintenance. I think he appreciated that I think he was just about whether there was going to be, you know, continued access on his land. Yeah. And whether it was on foot or on a track. So I will confirm that. Thank you.

02:44

And then just that there were other access arrangements that Mr. Bell was talking about in terms of

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his ability to get onto his land. And I think there's been agreement, but I'll go over that. But I just wanted to clarify.

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taleo National Grid, we are in dialogue with Mr. Bern, we're close to getting an agreement with him.

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Agreements over all the land or agreements over that the access all of the land requirements from Mr. Bell.

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Access. So when you say close, can you just sort of give me a I mean, I'm going to test you a bit more on this later. But as we're talking about Mr. Bell

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Yeah, know, on behalf of the applicant, so we're in detailed conversations with the agent. commercial terms are nearly agreed. And then we've had legal input from the legal team who were reviewing documents. Okay, thank you.

04:01

So, five c was in fact the one that we've talked about Mr. Stevenson's other clients. So I'm, again not going to

04:11

cover that under this item, this gender item. Um, but I am going to just talk about Mr. Black as

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a response or his Mr. Black Room was black as points in their relevant reps. And and I, you know, I'm mindful that there's been a response from the applicant.

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But on Tuesday on site,

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Mr. Mica said he didn't understand the response. So it just feels to me as if there hasn't been

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there hasn't maybe been sufficient dialogue with Mr. blacker over that.

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And but he'd and he can't come today, but he did say that he would respond to written questions. So we may well put out some written questions to Mr. blacker but he did point out aspects of it.

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There's land that we hadn't

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heard about before. So we're going to follow that up under the socio economic. But it just feels, you know, I appreciate these negotiations. But

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perhaps that's one where there just needs to be a bit more

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emphasis from the applicant in terms of

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talking to him

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in on behalf of the applicant,

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with regard to Mrs. Black, they have instructed an agent, we are in dialogue with the agent, but appreciate we're trying to get meetings to go out and go into further detail with that.

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And this is another one where I just asked with the cable ceiling and compound and the northern part of the project, maybe I don't think reducing,

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and slight maneuvering of the pylon would necessarily address his concerns from the farming point of view. But if a little bit of movement was helpful, then perhaps that could be discussed. So just whether there's any movement on pile on location and limiting limits of deviation, although I think they might

have been limited a bit already there. But I think, you know, we've had a representation we as I said, we're going to follow it up into socio economic questions in our second round questions.

06:26

I don't know whether you want to come back at all on that. It's attorney

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rich, Tony, for the applicant, I certainly think we have attempted to respond to the points to be made on this.

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I take the point that if we can do something that might be better than simply holding the line on it. But

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I think as Mr. blacker is represented, if there is a particular point of clarification he needs and I would expect in these sorts of negotiations that his agent would tell us what that is, and be clear as to what further information is required from National Grid. So obviously, we will, we'll go back to the agent on that basis and seek confirmation from him as to whether there are outstanding concerns or whether there is any scope for compromise on the issues. But we've noticed what you've said about trying to find an accommodation, thank you.

07:19

And then I will send to the Tadcaster

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he will ceiling and compounds which I think right at the beginning of this examination, we identified as the area of complexity. So it's really helpful to walk the site Yes, on Tuesday, and, you know, just to have all the constraints pointed out to us. And also thank you for the detailed explanations that you've provided. And also for the composite drawing, add it, could we have that composite drawing on screen? Do you think I'm not going to refer to it just yet, but just as a sort of might be helpful as we go through?

07:54

So the first point is I recall at the the open floor hearing, I think it was we had landowners present.

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And then there were further discussions, you said that were taking place and at that stage, it wasn't appropriate, or it wasn't timely to,

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to share those with us. So I'm hoping that there'll be an opportunity for a bit more of an update now.

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So

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many of those were sort of touched upon on the ASI. But of course, we weren't taking matters of the the examination, we were just looking at the site.

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So in terms of separate matters that we just like to hear from the applicant on in terms of the location of the Western cable ceiling and compound, we understand that there are now discussions underway regarding a slight change of orientation and position.

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And that that would be more favorable to the farming practices of Mr. Watson. So can we hear any more about that?

08:54

Richard is only for the applicant. I think you had an introduction to that on site from Mr. Fowler. I think just to update you as to where that it got to in the process. We wrote on a without prejudice basis, originally to Mr. Watson.

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We'd understood that his request was essentially to remove the cable ceiling and combat from his land, and if not place it over an existing hedgerows. So it was straddling two land parcels we didn't consider either that either of those requests could be or should be accommodated. What we went back with and the suggestion was to reorientate the cable ceiling and compound so that it would lie

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immediately adjacent to the boundary hedge. We thought that might better accommodate what Mr. Watson was seeking from us.

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He has not yet confirmed that that's what he would wish us to do. And that's the reason why it hasn't been progressed further. But we're certainly amenable to that.

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It does mean that the access roads are

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Are the access tracks is slightly longer. So in a sense, there is extra land under the access tracks, but the cable ceiling and compound itself would be the same size.

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So, one point that he's asked for clarification on is the relative areas of those of the land take, including the limits of deviation. And we're reviewing that because the limits of deviation may slightly alter as a result of aligning it to an existing feature. And so

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we put that proposal to him.

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We essentially are waiting for him to say whether he wants us to move forward with that, or to continue with the existing which he he has made clear he objected to.

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And we're, we're awaiting that. But what we will do at the next deadline is provide the plan that we sent to Mr. Watson, so that you can be up to speed as to what that looks like. But it's not complicated. It's moving the cable ceiling. I think you had it shown to you? We did Yes, absolutely. So it's simply sort of shifting it against the against that boundary.

11:08

So that's the cable ceiling and combiner den, if you wanted a further update on the other aspects of his concerns, I think that one of the main issues is his access track. And whether we could preserve an access track by way of a new route, round what's shown us xe 481.

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As we've already explained in writing, and as I think

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we've at least put it out on site that's right up against the highway, the a 64. And on steeply sloping land, and there's very limited space available. In those circumstances, we do not propose to accommodate that. It's also affected by but that decision is also affected by the reality that Mr. Watson does have an existing access, we're not removing the means of access to his land, he can take that access already from the existing access routes. And effectively this would be for a secondary or additional, whether its primary or secondary, additional access to the same parcel of land. So we do not consider that to be an appropriate change to make in those circumstances. So I just had a couple more questions on that having been on site. So I think the response to the relevant rap initially excluded the use of a retaining wall on the grounds of landscape and visual. And so I just think a bit more justification for that. I mean, I know that retaining walls are more expensive, and I know that they need certain ground conditions. But just by justifying it on grounds of landscaping visual when the receptors would be a high speed Road, didn't seem fully the case, as far as from my point of view. And this is probably a very naive question, but could the access track go around the north of the cable sealing and comprehend as an alternative route?

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So

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perhaps we can. That's the two points, one of them the sort of recent use of it retaining wall.

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I think that was one of the landscape vision impacts of retaining was one of a set of reasons why we didn't think this was an appropriate solution. So I take the point that it's probably not taken alone, the most compelling although it would necessarily a highly engineered solution is going to impose a significant cost to deliver an access, which is to a field which already has a means of access. So I think that's perhaps, yeah, I appreciate that. And, you know, as you said earlier, cost is one of the aspects that you look at. But I think

13:58

you, you're aware, we have to consider the alternatives in a amount of detail for CA that isn't necessarily required for the planning aspects. And so I need to be quite forensic here. Indeed, and I wasn't trying to divert from that at all, it was simply to say that, you know, that there's a, there's a suite of reasons why we say that this route is not a very good idea. We the starting point being that there's no sort of fundamental necessity for it. But the engineered, heavily engineered solution is potentially going to cause not just those visual impacts and referred to but also the cost impact.

14:41

But also in any event, it's it is not going to deliver an access which is as wide as has been identified as being required or desirable. And we've got some doubts about how that is going to be delivered in detail in a way which is safe and appropriate on land which is going to be held by National Grid.

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There's given the sloping land and the proximity to the road. And obviously the need to maintain clearance from our operational land.

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Could an alternative access route be delivered entirely to the north? I think you mean on other land there is

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third party land to,

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to the north in the sense that an access route could in principle, go across third party land, but we have to consider then whether it'd be appropriate to to acquire rights on behalf of Mr. Watson, to cross the third party's land to secure continued use of an access to a field where there's an existing means of access and ensure we don't think that's justified and compulsory acquisition terms. And that that would be a disproportionate interference with that landowners interest. So that's really why this sort of entirely new route is not considered to be appropriate.

15:56

It's if this site was landlocked, because of our scheme, then that may well be something we'd consider. And it may be necessary. But because it's not, there's no justification for going on to another person's van to deliver it. Yeah, appreciate it. From our point of view, we didn't know whether it's another person's land or information like that. That's that's, which is probably worth emphasizing. So there are

the and this is this is one of the issues about looking at the orientation of the cable ceiling and compound and not simply feeling that it can move

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freely at Mr. Watson's assistance across other land in the area, the field, which has xe for it one T in the middle of it is is neither in the ownership of Mr. Brickhouse farm nor in the ownership and Mr. Watson in the field where the cables ceiling and compounders it's a third party ownership, there is an objection from there's no objection from them.

16:55

It's perhaps a note could just set that out. We don't need a lot of detail, but just to clarify that we can identify that that land parcel is in the ownership of another party.

17:09

Steve, I think sorry. Can I just clarify the point that you raised on the retaining wall? Yes. Was that in relation to x c 481. Skill Center and compound instead of a earthwork slope? Was it a retaining wall? Yes. Okay. It was? Yeah, that's fine. Thank you. Oh, we can have a look at that and provide some text on that. Thank you. I mean, we can see the slope. I mean, you know, you're and the plinking out was really, really helpful. So thank you so much for that.

17:37

And then I think there was also a query from

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Mr. Ingram's agent about the accuracy of the land plans. So I don't know whether that's been progressed.

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Mr. Wait, Charles, wait, at the last at the open floor hearing, I think

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in on behalf of the applicant, so we've been in detailed conversations with Mr. Wade to try and get that clarification of what he what he meant by that statement. I think it was more

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confusion about what they were showing, and then explanation through land plans and talking him through the rights that we required, both permanently and temporary.

18:23

facilitated that and that he's now in a position where there's no issue there was.

18:28

So if a diplomatically worded way of describing that could be in the post hearing note, that would be helpful. So we don't have something that looks as if the land plants might be inaccurate.

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Registering for the applicant, so we'll, we'll update on on that and just make clear that we've we've taken Mr. Wade through it. Understandably, these plans are not always easy to follow. So but as far as we're concerned that that issue is resolved, and we can update you on generally on negotiations from history.

19:13

Um, so now just moving to five F, which is the undergrounding works at U seven and UAT. So, I'm, I think the last we heard was that the applicant was going to check what undergrounding had already been taken because Richard Elliot,

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in his relevant rap, I think he and his rep had indicated that some of the undergrounding had been undertaken. He was wanting a different arrangement, I think, but and this was going to be looked into maybe this is one of the ones where northern power grids have already done some

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search attorney for the applicant so the UAT undergrounding

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has taken place.

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In this situation in terms of the order, we would wish to retain the rights as shown. Because obviously, it's within northern power until we have the authority to construct the scheme is within northern power grids power to reverse the work they've done. But we, we don't expect that we'll need to exercise any of those powers is I think that's the same position in respect of you is that you seven as well or

20:33

Steve fallen off grid. So you eight has been under grounded by Northern Powergrid. Not as a part of this project, but under part of their normal works. We had a meeting with the London last week, and he did mention that he had had issues with the underground in that instance, where they'd cut the cable that hit the cable. So we've left the works in there in case there's any other work that needs to be undertaken. In regards to you seven, we had discussions with landowner in terms of what requirements they would like to see. And we've also had discussions with Northern power grids in terms of what they would also need to do in terms of their operational requirements. And the points seem to aligned. So again, we have included the amount of undergrounding that we need to deliver a scheme, but we'll be having discussions with Northern power grid in terms of what that undergrounding will look like. And we can provide further detail of that and the discussion that we're having.

21:33

And negotiations progressing with Mr. Elliott, because

21:38

my recollection is there was issues about access, and he wanted access off the other from the other road.

21:49

The following screen, that was another point that we that we have discussed with him at the site meeting.

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And looking at the alternative access that was proposed, we don't have any problems in terms of what that access would look like it would also utilize an existing field gate, the issue that we've got and in terms of that is that the lender who proposed the alternative accesses is is not in his ownership, he is the tenant of so we would need to have discussions with the owner of that to see whether that would be feasible.

22:19

And are you planning to do that? Well, yeah, we have a meeting set up I think it's in the fifth of June. Yeah.

22:26

That would we be by agreements rather than by the auto limits? Okay.

22:38

And then I'm

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5g, this is the step taxes through the farmstead, and

22:48

let's hope it's the straight line. That's the same access that we've just just just Oh, okay. Okay.

22:57

Right, which 20 for the African Yes, that's it. That's the area where Mr. Elia wants us to take a route which which we see as being completely sensible proposal but we do need to have that conversation with the landlord his landlord as well. Okay, I hadn't appreciated that was the same I thought he I thought there were two access issues

23:21

thought that landowner was Mr. God lemon

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for G I'm talking about high more farmstead

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Mark God lemon,

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I think

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you can put up relevant reps.

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To home moms.

24:01

Miss rally is AP. AP 40 isn't a

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safe, yet, definitely service to home or farms. We have met with Mr. Haldeman as well as discuss the alternative access point.

24:15

Again, that is a discussion that we're having with them in terms of agreement. In principle, the proposals that they put forward, we don't have a problem with

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I was hoping more had more than not a problem within looks eminently more sensible to me.

24:30

The problem that we have with it currently is the fact that there is no crossing of the ditch at the top of the field. But the landowner is currently in discussions with the drainage board around putting a crossing point over. If that's the case, then we would have no problems with it. But if we didn't have that, then we would have to put an additional bridge in which wood we will be less comfortable with. Okay, thank you for that.

25:00

So then we did have the travelers site.

25:07

Yeah, we did have the traveler site on the agenda. But

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I think in terms of the points that I would need to make we've we've covered those already with help from

25:19

the agents. And so just any update on the voluntary agreement with pelagic energy at monk fryston substation.

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Jonathan Bauer for the applicant, the agreement was reached with pelagic energy at lunchtime today.

25:37

You've been busy.

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And and so yes, their areas of concern have been addressed and dealt with. So do those agreements are they put into the examination or

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Jonathan bar for the applicant is not proposed, put it into the examination to the extent that

26:01

Yorkshire water undertake some pipe diversion works prior to the close of the examination, then we an application will be made to Mende land plan in the book have reference to remove their option area from the the land plan and the book of reference. But until such time as those diversion works are undertaken, it's necessary to retain those rights in there. But we're waiting to hear as to whether or not pelagic are proceeding at the moment with those diversion works with Yorkshire water.

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And is that likely to happen before the end of this examination?

26:42

Jonathan bar for the applicant, they they were waiting on this agreement to be put in place before they could then proceed with sort of their overall construction program. So we're waiting to hear back from them as to what their program is to undertake those works. But as I say, if if whilst the examination is still live, that we receive confirmation that those undergrounding sorry, those pipe diversion works have been undertaken, then the application to remove their interest will be forthcoming. But as I say it's dependent upon what they do and their their own program. Thank you. So if, if there's further developments, between today and deadline for if we could have that put into deadline for that would be helpful.

27:32

So now, Mr. Turney, I'm turning to the sort of last part of agenda five now, which is general update from the applicants on negotiations and timetable for the conclusion. And then the objectives schedule, I think we can probably cover these two together, unless your notes are separate. I'm easy either way. But just in the context, there were quite a few relevant reps from parties who we've not heard from since now, I'm, we've heard that you're in touch with agents of some of them. But there's, there's a longer list than that. So at present, we're entirely reliant on the applicant in terms of updates. And so I

think it'd be helpful if you could update us on ones where there's been a lack of progress or where you're feeling

28:22

concerned, and then also an update on in terms of any objections that have been withdrawn.

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And I am going to ask for,

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so this is an objection scheduled to be updated for deadline for, and I am going to ask for a bit more detail to be incorporated in that because at the moment, it tells me what national grid has asked for or done in terms of meetings. But I think it would just be helpful, even if it's on a without prejudice basis to get a feel for how confident or close you are to those.

29:05

In terms of objections being withdrawn. And also, I know we're not very close to the end of the examination yet, but at present, I wouldn't feel able to write up

29:18

what I would need to write up in terms of objections. Ca. Objections. So if we could have a bit more detail, so I don't, we don't need as much detail as the response to the relevant reps. But things have moved on a lot since the response to the relevant reps and we haven't had anything else apart from what we've heard. But there's this hearing. So

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whether it's an additional column on that table, or you want to present it in some other way, then it whatever is most convenient to yourselves, but I just feel we need a bit more

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information to understand the likelihood of reaching agreements and

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And what what the outstanding issues are. So I if you'd like to update us on, we don't need to go through every objection now, because we'll get that at deadline for anyway. But I'm a sort of heads up how you're feeling things that going and are there any

30:18

tricky ones?

30:23

A ton, a lot National Grid. I think the majority of development reps from landowners, particular came from two agents that we are engaged with.

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They haven't raised any particular concerns about those clients. They've we've met with them, we've gone through all of our responses, and they understood them.

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And haven't raised any further further concerns, but we are still engaging with them.

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I think a number of majority of landowners are existing grantees on the scheme. And so they've dealt with national grid for many years. And

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to extend that means they haven't been possibly as engaged as the newer landowners. So we are pressing with the agents to encourage that. But we don't have any concerns overall about

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those landowners and the agreements. We're seeking wisdom.

31:24

Okay, thank you.

31:36

So, Tom, a lot National Grid, obviously, we've discussed a number of particular landowners here, so you're aware of the issues there.

31:46

One area that has had some concern for us, we'd be down at monk fryston, where

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the landowner actually passed away last year, and it's in the hands of executives, and

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we are getting a bit of a lack of engagement because of

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the wording,

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home

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ownership, or future ownership of the land. We're doing everything we can to engage with them. And we believe agents might have been appointed by the individual policies. Well, we're keeping a close eye on it. Okay, thank you for that.

32:39

So are there any further points to be made on any specific sites? Because if not, I'm going to move on to statutory undertakers can't see anybody on screen or in the room.

32:54

So moving on to item six.

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So I think we can take Mr. Bellingham, I assume you'll be joining us.

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I think we can take items, six A and six be together.

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As we indicated in the agenda, we would just like to be clear if the submission related to Nam land where national highways has an interest along any roads, or if it's just along the strategic road network. And if you could clarify that point, and then I've picked out

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five points from your various submissions, written rap and request for this ca hearing, etc. So if I just

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list those, then if you could respond to those if you may have something that will cover all those points anyway.

33:47

In terms of protective provisions, we'd like to cover that today. But in terms of articles and requirements, then we'll cover that tomorrow in the DCO hearing, which I think you're coming to as well.

34:01

Okay, so the the points that we'd appreciate updating on our progress on wording of protective provisions,

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whether there's areas of sustained difference, and whether you're confident that everything can be agreement can be reached by deadline five, which is the 11th of July,

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progress on the form of agreement to secure land rights over plots, which is included as the master not agreed in the statement of common ground. And I think it's referred to in the written rep as well. And then progress on agreements over how works would be carried out on plots, including terms which would protect national highways

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and progress on agreements over carrying out of works in the vicinity of the SRN to safeguard natural highways statutory undertaking and that's such as the technical aspects of scuffed crossings. And then any other outstanding

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differences. Sorry, quite a long list. And if you've got something prepared that covers most of that, then, you know, just

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our way.

35:09

Okay, thank you for Wellington for national highways.

35:12

I want to start off by saying we've got no in principle objections to the scheme. We just have a couple of concerns with it, which obviously, we'd like to be addressed. In terms of the question you asked in terms of whether I'm addressing the strategic road network or all national highways London search.

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What I prepared to say today relates purely to the strategic road network. That said, I appreciate there are some land ownership issues for areas of the SRN, which I think primarily relate to previous roads, which should have been de trumped to the local authorities.

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So I don't have instructions today to to cover those. So if I can come back to you on that point, and probably need to have a discussion with the local authorities on it as well before doing so.

36:01

That's fine. So yeah, so in terms of the, I think the points you've raised, will probably be covered in what I have to say anyway.

36:10

So yeah, what I wanted to say was, we've got two primary concerns, essentially, with the compulsory acquisition proposals. So first of all, the possibility of any of national highways interests being extinguished. And secondly, safety implications for the strategic road network.

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So tend to the first one. And I'd say there's no criticism of the applicant when I say this. But I must confess, I'm still not 100% Sure, of the applicant's compulsory acquisition intentions when it comes to national highways interests. So if the applicant is able to confirm whether or not there is an intention to extinguish national highways interests, it would be appreciated. I am aware there's a power in the DCO to temporarily temporarily suspend rights. Hello, again, I'm not sure if this is intended to apply to

national highways. So obviously, the answer to those two questions, a will obviously influence you know, the position national highways takes on that point in particular going forward.

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Mr. Turner internally to respond to that now.

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On a national grid, there are areas of national highways interested are included within the order limits and

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for road widening, particularly around Overton.

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The we've been in dialogue with Mr. Bellingham, about how best to structure an agreement over that and understand that national highways have appointed an agent to discuss that further with us.

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It's

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not our intention to compulsory acquisition acquired the land, but it's within the order limits to enable us to do the works.

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There's a possibility of using the new road three works at as an alternative. And that's what we're seeking dialogue with national highways over.

38:07

So would your works.

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So, Mr. Bellingham said,

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whether there was situations where their rights would be extinguished? Is this a situation where the rights would be extinguished?

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Tommy what National Grid? I don't believe so. No.

38:30

No, I can't think of any examples where there would be extinguish

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Bridgetown if the African I think this is this is in the category as well, where Mr. Bellingham referred to interest which are historic incense. So there, this is on the a,

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a 19, which was de trunked. But as happened elsewhere in the country, as well, national highways have a residual property interest. So the D trunking. means that the road is the responsibility of North Yorkshire Council. But the

39:09

they have a land interest. And that's what we're dealing with in that location. But it really is a highways matter rather than a

39:19

rather than an attempt to extinguish any existing rights that national highway residual rights they may have.

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Does that help, Mr. Bellingham? Yes, it does. Thank you. And I'm happy to speak offline with applicant as well.

39:34

Thank you, please, please do carry on. Yeah. So the second point relates to sort of safety, safety implications, safety concerns. And it does link to tomorrow's tomorrow's hearing. So I expect we'll cover cover some of this then. But essentially, it's around national highways concern, should uncontrolled rights be granted, which would create safety concerns for us? Examples being accessing overhead lines, either in close proximity or actually over the US

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around itself or the creation of new accesses.

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So

40:06

I suppose I should say nationalities except these are needed. And again, as I mentioned earlier, we don't we don't object in principle, our concern just relates to the possibility that our usual approvals processes may be bypassed. therefore creating potential risks access and maintenance may not be carried out in a safe manner.

40:23

So we turn into tune into the points that you raised earlier in terms of reaching agreements and so forth with that in mind, national highways view is that rather than compulsory acquisition rights being granted in respect of search, either a private agreement is entered into or potentially new roads or street works

that powers as the applicant mentioned, or relied upon where possible. Therefore, essentially, when it comes to acquisition power, would no longer be necessary.

40:51

So we're open to further discussions with the applicant and hoping to reach agreement on these points. We have very recently instructed consultants to begin negotiations for the private agreements. Although that has very recently happened. We actually opened a file on that this week, earlier this week, and last couple of days, so no prep, no progress has been made.

41:14

But now, now that that has started, I see no reason why we can't reach agreement on the points before, before the examination closes. And hopefully, certainly, significantly earlier than that, as well. So yeah, reasonably confident in that, but obviously, until, until all the national highways concerns have been addressed in one way or the other, then then we have to do hopefully maintain the position that we have.

41:36

So what are some of those aspects be covered by protective provisions? Or are you talking about not having bespoke protective provisions and having signed agreements with the applicant?

41:50

This is an ongoing conversation that we haven't we have provided the applicant with our particular provisions, which we'd like to see included in the order.

42:00

And discussions are ongoing as to the suitability of those for the for this project itself.

42:07

So I envisage protective provisions will cover a lot of our concerns, but then sort of the more specific land type issues would need to be covered under under a separate agreement. Okay, that's a really helpful separation. So thank you for explaining that. Are there any further points that you want to make? Because I'll ask Mr. Attorney to respond to the protective provision point in a minute?

42:30

No, I don't think so. I think anything else would probably stray into things that you'd want to discuss tomorrow anyway. So I'm happy to leave it at that. Okay.

42:41

Bridge attorney for the applicant? Yes, we have received national highways standard, protective provisions, we think it's appropriate to include some bespoke protective provisions on the face of the development consent order.

43:01

It's really concerned in this project with an over sale of the strategic road network. And in those circumstances, that sort of scope of the standard protective provisions we think goes too far. But we are looking to make sure that we do have PPS in place protect provisions in place, which are proportionate to the nature of the rights that we're seeking over that bits of the brain network.

43:25

So

43:27

we, obviously are in dialogue, I think that the sort of private agreement on the property point is is

43:34

or, as we say, a very limited interference. And it's not they're concerned with the the acquisition of

43:43

or the carrying out of physical works on the strategic road network, which sometimes happens in other projects. So it's really to protect patients we think should be concerned with the EVA sailing and unlimited to that.

43:56

Thank you.

44:05

So you're confident those protective provisions? I'm going to ask you this about all of them, of course. But are you confident that those ones are going to be

44:14

agreed by deadline five?

44:17

I think

44:22

Elizabeth attains Lester at Womble bond Dickinson for the applicant. We are engaging hoping to have agreement by deadline five, to the extent that we don't we'll submit the necessary section on one to 7138 statements but but the aim is deadline five.

44:40

Thank you.

44:44

I'll just turn to North Yorkshire councillors have been talking about nonstrategic highways as well. Are there any points you want to make on this point with regards to the land that is just

45:00

still shown as in ownership of national highways, but it's related to roads that

45:08

North Yorkshire Council is now responsible for.

45:12

Yes, thank you, Michael Reynolds, NYC, just to say that schedule is provided by national high res tours of all of those plots of land. So you effectively have two things that we're working off the heads of terms that have been provided by in long and and this schedule. And we'll take both of those into our discussions, which we've planned for next week now. Right. Thank you.

45:37

And I

45:41

I can't see Mr. Baldry present, so I won't ask for a city of York's view.

45:46

So we haven't gotten any

45:49

spelling and that that has been really helpful. I haven't got any further questions for you, Miss policy.

45:56

And it's Mr. Mrs. Jones. Have you got any questions for Mr. Bellingham? No, nothing further for me. Thanks. Okay.

46:04

So Mr. bellington, we look forward to seeing you tomorrow to scrutinize some of the detail of the articles and requirements. But thank you very much for this contribution. That's fine. Thank you.

46:17

Um, so now if we just turn to

46:20

questions, updates, Missoni in terms of whether they're on track for deadline five,

46:29

I looked at the end of the room, shall I hand over to his tone? Again,

46:33

this has turned to the applicant. Yes. So we are progressing as fast as we can. A protective provisions progress schedule was submitted deadline to will submit another one at deadline force. Okay. It's an interim there. The aim is deadline five to the extent we can't do that will submit

46:50

section 127 or 138 statements, but then we will obviously continue to progress if if we're not able to reach agreement by deadline five, but that is the goal.

47:03

So the DCO, after

47:07

deadline five will contain those provisions in the face on the face of the document.

47:13

Yes, Richard? Yes, when they've been agreed, there'll be included in the just going to check my timetable.

47:23

There's a DCF, though there is a DCO deadline five. So I'm just mindful of our commitment to comment on the DCO. And to put it and wanting to have all the protective provision points ready so that

47:41

we're not in a position where we haven't got the information that we need. So our deadline

47:48

is

47:52

our commentary on the draft DCO goes out on the 16th of August. And we obviously need a bit of time to review what's coming in. So I'm just pressing really so get. And I think if if there are

48:08

protective provisions that aren't agreed, then it would be helpful to have the areas of disagreements. And if those areas of disagreements are over precise wording, then if we could have those message at deadline five, because

48:23

we can then take a view as to how we deal with that in our commentary on the development consent order.

48:31

reached any feedback from Yes, well, can we tick Can we do it this way? It sounds like a sensible approach. And I think what we hope and anticipate is we either have the agreements in place, then or we're able to tell you that we're not going down the agreement routes, and yeah.

48:48

See the powers accordingly. So I think

48:51

there'll be clarity then. But certainly, if they were in a situation where there's

48:56

not quite agreed, but almost agreed protective provisions, we could consider whether at that point to be useful to just provide you with the deadline five. Thank you.

49:08

I mean, we do have deadlines, six, but I'm, that doesn't give us a lot of time to peruse it. Yes, thank you. And obviously in it's, it's dealing with those situations where we would be seeking to put in place preset provisions that effectively.

49:26

There's an issue between us and we're putting forward a version. And you're going to be asked to rule on a dispute. But

49:33

we'd hoped that where we can provide a group present provisions, it will essentially be for your noting because they would have been agreed and yeah, absolutely. So we'll we'll think about how they're still with that noting the the impact on the examination timetable. Thank you.

49:52

I'm so on that basis. We don't plan to deal with any protective provisions tomorrow. Apart from canal UNRWA

50:00

For tourists who are sending representatives to the meeting, so if they wish to bring those up, then I think it'd be better to discuss it in person as they're coming to the meeting.

50:12

So unless there's any other points to be made on statutory Undertaker and protective provisions points, then I'm going to hand over to Ms power. So you get to change your voice for a while. And she's going to move on item. Agenda Item number seven

50:29

is a relatively brief on on human rights.

50:33

We've broken it down in the agenda into A, B, and C, and we're going to stick to that structure. Just briefly under a

50:42

Mr. Turney, we're mindful that the applicants covered this point about articles eight and six of the European Convention on Human Rights in Article One of the first protocol, you've covered this in a number of places, responding to our first written questions, I think what we find helpful, and this is a sort of an action for in writing is if you could if we just have a submission that brings together all of the places where the applicants responses have been made, and in relation to those articles, which would really help us in our reporting.

51:14

Does that sound reasonable? Registered if the applicant Yes, can I just check? Are you asking for a single piece of text or a list of references? You'd rather have a single document that you can refer to? Ideally? Yes, thank you, thank you.

51:32

And then on B.

51:35

Again, thank you for the applicant's detailed response to questions 4.9 point one, and also four point 9.3, which covered justifying the interference with the Human Rights and the importance attributed to existing land uses. We don't need the applicant to present that. But we do have one area that we just wanted to flag that we'd like to return to tomorrow, but just sort of to put it out there now to give you some time to think about it overnight. And that's in relation to the role of the land officer and potentially the agricultural liaison officer. And the reason we raised this is because their roles are relied upon for mitigation in response to questions on human rights, but also in the applicants response to many of the points made by landowners and other affected persons and relevant reps. So at the moment, the land that there's a commitment to have a land officer within the outline soil management plan. And there's a

52:31

suggestion that an agricultural liaison officer may also be appointed.

52:38

But we've got a couple of questions about those, the roles themselves and also the security for these roles, and whether it's the appropriate place to have those secured. So in terms of

52:48

that, I think there's some detail in the outlined solid management plan about what that role does. But what we don't know is things like

52:57

when they appoint, you know, when they will be formally appointed, and how long would they be employed for?

53:04

Whether their role would extend into the maintenance period?

53:09

What basis they will be working? Or will they be full time? Would they be one day a week? That sort of thing? How would you guarantee a certain amount of level of input?

53:17

Could one person do that over the whole geography of the project?

53:21

And so those are the questions about the way those roles are defined in the outline saw management plan, and then as a bigger question, whether it's still an appropriate place to have that secured given the reliance on those roles for much wider functions than just relating to soil management. So for example, weather it might be better and more appropriate to put that in something like the code of construction practice if we're going to be relying on it for a wider community liaison kind of role. So we'll just put it out there now as something that we might we will come back to you tomorrow when we're talking about the requirements of TCO which results come back on that at all now.

54:01

Bridgestone, if they have committed, that's very helpful, I think we can we discuss that overnight. I totally see the points and we can just discuss whether that should be reflected in a different way in the excellent.

54:12

Okay. And then finally, in part C of item seven.

54:19

Again, we've received a lot of useful information in the applicants responses particularly in relation to question four point 9.3.

54:28

I think this is another one that where we can just ask for something in writing rather than needing to go into it today given the time we just wanted a high level precis

54:37

of the the information risk can see received in relation to those responses. So it would be helpful if the preference in the consultation draft of MPs en five for permanent rights and easements. This is the point raised by Mr. Stevenson earlier overweigh leaves. So just need that expanded upon and that's what Yeah, because obviously proposing for rights for the

55:00

pace development in many areas, it's just that kind of picking that up from the draft accreditation draft and five. Does that sound like something you'd be able to do by deadline for?

55:09

Yes, presumably African? Yes, that's fine. I can do that I'm writing. I can address it orally, if that helps. But, yes, Mr. Stevens was also raised, I think it would be useful. Thank you. So the short point is that, it's probably worth just clarifying. And a 99% of people in the room understand this. But the nature of a way leave is different from a permanent property, right. It's a contractual arrangement, essentially, between the current owner of the land and the undertaker. And whilst there are statutory provisions in respect of electricity way leaves, which can lead to their imposition in the face of resistance effectively in their nature, they are still a contract and subject to contractual terms.

55:57

And what

56:01

this project consistent with other large scale national grid projects of this nature is seeking to do is to have permanent easements, which

56:14

run with the land, they are interested in the land, although in practice, the interference is no different in the sense that they don't, they can no overselling the land with overhead lines, and a right to come into the land and work on those lines if necessary, and also to prevent the landowner from doing things which interferes with interfere with those those lines. So essentially, they're doing the same thing, but in a way, which secures them more permanently. And in a more straightforward way, so that there is a clear record of of what the rights are on National Grid spheres that it's appropriate to pursue permanent rights for Eva headlines for these nationally significant grid reinforcement projects, rather than relying on way leaves it which is been this sort of historic position, at least in some places.

57:13

So we've we've alluded to that in a number of places in the submissions to date. But that's the overview. And we'll, in the written summary, we'll set that out fully.

57:24

That's very helpful. Thank you. Mr. Stevenson, would you like to just make any comments since you've raised this day? Thank you, that's very helpful. I think you use the phrase that you wanted to have these easements so that the occupiers didn't do things that you didn't want them to do over your land away, we've got the easements, where did where do?

57:51

Where does it fit? If we want to change the one of the access routes that you've got? Because we want to do something? Mr. Danny, Reg, attorney for the applicant, I think this is. So this is I was dealing there with way leaves versus easements, which really is concerned with the overhead line. And I think

the the issue there is, is about the further rights that we take in respect of maintaining a permanent, right of access.

58:20

So, yes, where we rely on order powers, to give us permanent rights, by way of a right of access across particular parcel of land that will be remain in place and will be entitled to defend that rice have access in the sense that prevent the landowner from stopping it up or preventing us from using it. However,

58:46

if future proposals come forward, and it's necessary to change the location of that access, then that's something that national grid can agree to, because they can give out their rights and agree to alternative means of access. So that's the way that we would see that being dealt with it will be dealt with voluntarily to to accommodate the landowner and given that national grids interests and is really limited to a residual right to maintain the apparatus so long as it can continue to do so in a satisfactory way those those sorts of changes are unlikely to cause impediments. Thank you very much I would

59:23

disagree with student students and I disagree that having a permanent right

59:31

is no different to having a way leave because away leave at the moment. We can, a landowner can terminate and ask you to move it.

59:40

If we go into a if they go into an easement situation, then then we are subject to negotiation and your words were well, we can do that we can do it voluntarily.

59:55

That is a big difference from us being able to

1:00:00

The contract, as you call it, the waiver the contract as terminating the contract.

1:00:06

Mr. Stevens guys asking you out, are you acting on behalf of one of your groups of clients in raising these points just so that we're clear what both of them but one in particular should generally, I'm just interested generally say on behalf of both sets of yeah, thank you, Mr. Turney reg attorney for the applicant. So yes, that I mean, that is the permanence point. That's sort of the starting point at the point I was making about the, the sort of no difference is that in practice on the land, there's no difference. But yes, in terms of permanence, that is the deliberate difference that it is to prevent their termination and unpredictability on the part of grid. So we should have those permanent rights. And that's, that's the point which we say is right, that national grid in in promoting a scheme like this in the public interest, should be entitled to defend its rights to access its equipment and to have permanent rights for, for, for the everything that's going over the land. And

1:01:11

we, in our,

1:01:15

in our sort of approach to this, we say that that's a, that's justified in terms of permanence, I think just the reference I was going to give is to statement of reasons that four point 8.4 which refers to the longevity of projects such as this, and the need to create permanent improvements to the power infrastructure of the country. There's, there's a sort of technical point as well, which is, which is I've been reminded of, which is that under the Planning Act 2008, these are the nature of REITs that we can create in land. So there's a sort of a technical point, whilst

1:01:56

Mr. Stevens his clients could offer us a way leave in terms of the compulsory powers that we can exercise under the Planning Act 2008, that doesn't include creation of away leave, it's it's an interest in land that we need to create. So that's in the nature of an easement rather than away leave. Thank you. And part of the reason for raising it is that that is the way that the emerging draft, MPs cm five is suggesting that future rights should be taken. Mr. Stevenson, is that the end of your points? Is there any way? Stevenson, is there any way that in the legal documentation that it can be? That that

1:02:41

the wording can be put in, put in that, that allows the landowners the ability to request a move or a change?

1:02:54

Is that is that is that? I'm just I'm just concerned that it is a massive move from away leave to a permanent easement for my clients. And at the moment on,

1:03:08

on on a Newlands farm. Yes, they've got away leave on there. Yeah. Um, so we're now being asked to enter into a permanent ride. Yeah. Forever. Yeah. And that's, I suppose this these are, these debates are being had in projects, not just here. I'm not sure because it is the direction of travel. But we completely take your point, I think in the interest of time, will the rest I know, we're now going to expect a deadline for submission about this from the applicant. So I think we'll draw a line under it there. But we've taken your points and appreciate those. Thank you.

1:03:46

I think that's everything we had under Agenda Item seven. So unless anyone else is seeking to raise anything, then we will move on to Item eight. And I'll pass back to miss Coombs. Thank you Miss powers.

1:03:59

Um, so just item eight being just a verbal update for engagement with the travel community. But I mean, we've sort of recognized that that's been ongoing anyway. And I certainly I just like to say that we agree with what the applicant has stated in response to

1:04:17

question four 9.2, that the duty under the under Section 149 of the Equality Act sits with the decision maker. But you'll appreciate him making a recommendation to the Secretary of State, then we need to satisfy ourselves that you regard has been given to that duty. And so it's with that in mind that we've included bass on this agenda and that we've been asking for updates. And we also we agree with the precautionary approach that you've mentioned earlier in terms of assessing that site between the A one M and the a 63 as a sensitive receptor.

1:04:54

And thank you we've had an update, which was submitted at deadline to also thank

1:05:00

you for engaging with Mr. Carruthers.

1:05:03

I think we've covered matters relating to this site earlier and on Wednesday, the

1:05:10

issue specific hearing and viewing it on Tuesday. I'm so I don't I sort of don't think there's probably any further update that you can give at this stage. And there is a commitment to update so that each subsequent deadline. So I just if there's anything further that you wanted to say now, then registered if the applicant? I don't think so we will, we recognize that you will want to report on this issue, carefully given the issues under the Equality Act. So we will make sure that by the end of examination, and we'll ask at each relevant deadline, but also by the end of the examination, you have a comprehensive account of how the applicant has sought to engage with the community. I think hopefully you will have the sense that it's been productive talking to Mr. Crothers. And hopefully,

1:06:03

that will be recognized in taking matters forward over the coming months. And we will return to this winter thing tomorrow when we consider how to secure site specific mitigation for that site, which I think will be an important part of your consideration of whether

1:06:19

due regard has been held under the under the relevant legislation. Thank you. Mr. Crothers. Would you like to add anything to what we've just heard from Mr. Turney?

1:06:31

No, I think he's got I think we've covered around about everything. I'm quite happy. Thank you. Thank you so much for for contributing. We do appreciate it.

1:06:43

Mr. Reynolds, I don't know if there's anything that you want to ask the sites in North Yorkshire counsels area, whether there's anything that you want to say in this regard.

1:06:55

Michael Daniels NYC. Now I don't believe so. Our liaison officer, our planning officer was on the site visit

1:07:03

and are expecting the planning application. And but I think

1:07:07

our involved in Enza. Thank you.

1:07:10

And just one final point, Mr. Turney and I, I know this in the notes from yesterday's, I sh, we'll get something from Mr. Farber with regards to the visual assessment and the point that he made, which was that if the travelling travelers community had been assessed at a greater sensitivity, then it wouldn't have had any further,

1:07:36

it wouldn't have changed the outcome of the assessment.

1:07:41

I just like to have a sort of

1:07:46

a version of that submitted today. And that very clearly enables anybody to follow through the landscape and visual impact methodology. So referring which tables you should look at and how you should follow the tables so that

1:08:03

we've got it within the CA bundle of documents as well.

1:08:10

I don't think it'll give him any further work. It's probably just a copy of what's being done anyway. Um, so now I'm going to move on to funding unless I no further points on

1:08:23

Item eight.

1:08:25

Um, so this, I think we can probably cover this relatively quickly. So Mr. Tony, the explanations about funding were most helpful. I have to admit that took me a while to get my head around.

1:08:41

So just a couple of points of clarification. So in responding to

1:08:48

q 471. You said that the OFGEM minded position

1:08:54

is due to be determined in late Spring this year. And then the response to force them to set a positive mindset position was received on the 10th of March. So I just wanted to clarify that that is the same thing. And that's the

1:09:10

positive

1:09:12

minded to position hasn't been received. And we're not talking about two different things.

1:09:18

The minded two has been received. And then the sort of next next steps are the approval of the final needs case and then which

1:09:33

which that comes next and isn't dependent on the grant development consent. But then the final the final stage is the final project assessment, which comes after consent is in place. So the minded to position is stated as dependent on securing the DCO Is that correct? That's right. Yeah. So so the the funding decision the final funding decision

1:10:00

is dependent on consent but there's a series of gateways before then, which have all been passed so far. And then we have to wait until the development consent before OFGEM confirm that the money can be spent on the delivery scheme.

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So there's another

1:10:18

gateway maybe,

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which is a pivot from large onshore transmission investment to accelerated transmission investment, which we were told would happen mid 2023.

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So just whether we're not mid 2023, yet, but whether that's anticipated before the end of the examination,

1:10:40

it's.

1:10:54

It's Yes, it was returning to Africa. I think it's it's summer 2023. But we're not really, it's for OFGEM, it's outside National Grid's control. So potentially before the end of the examination, potentially afterwards, I think the point would would say about, you'd been bombarded with a huge amount of detail about sort of the origin regulatory process and the various steps that are taken. The basics of our

1:11:23

case on funding for the purposes of compulsory acquisition is really turns on the reasonable prospect of the funds being available. And regardless of which acronym we're walking through, it's a particular time. This is a scheme which at every stage to date has received OFGEM support, which has been prioritized, as we've seen through the new Asti framework as being of particular strategic significance in the country. We've explained all of that in the in the needs case, as well as in the funding statement. So in a sense, the addition of acronyms shouldn't be seen as introducing new impediments to funding, it's actually just a consequence of this scheme being given a particular national priority. So if anything, when you're reporting on reasonable prospects of funding, these things are saying there's more even even greater prospect because of the priority has been given, rather than there are further impediments to funding. I hope that makes sense. Yeah, that makes a lot of sense. So if that can be written as simply as Latin first meeting note, that'll probably be helpful.

1:12:29

I'm just going to ask Mr. Carruthers, if he wants to come on in this because he did ask. Make some points about funding yesterday. Mr. Carruthers?

1:12:45

No, I don't need to come back on this, I will put this in my statement for you. Okay, thank you very much. It's the most efficient way of dealing with it. Thank you.

1:12:58

And then just in terms of nine B,

1:13:02

we realize we haven't timetables update for the funding statements in the examination timetable specifically. So we'd just like to ask for a clean and track changed version at deadlines, seven, please.

1:13:16

And that's six September.

1:13:19

I think if there were any changes of a positive nature before that, if you could just maybe put it in the covering letter that comes with the deadline, but just to have the updated deadline to seven that will be helpful.

1:13:33

Um, so unless anybody else has any points on funding, I think we're coming towards the end of this agenda.

1:13:40

I'm

1:13:43

just in terms of

1:13:48

next steps, we are having to give consideration as to whether we'll need to call in at the CEA hearing because of the

1:13:56

number of objections that are still outstanding. So anything you can do in writing to give us certainty about the negotiations that are going on will help to inform that decision. That's just aside so I'm going to hand over to Mr. Jones now, and he will go through agenda item 10, which is review of actions and issues arising.

1:14:21

Thank you, Miss Coombs. Agenda Item 10. Item 10 is a checkpoint for us to review actions arising from the discussions today. I have been taken a note of the action points, and you'll be pleased to hear they are fewer than yesterday. 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 practicable after today, and we would hope that those will be with you by the end of Tuesday next week at the latest. We did hear what you said this morning of course about the bank holiday in wishing them to be

1:15:00

As soon as possible, and we will endeavour to do so. And as we've mentioned during the this compulsory acquisition hearing, there will be some more points on the draft DCO, which have arisen today, and which will be the subject of our discussions tomorrow. It's issue specific here in three on the draft DCO, which will take place commencing at 10am. Tomorrow morning.

1:15:24

written summaries of submissions put orally today from all parties are requested by deadline for which is Tuesday, the sixth of June. I will now pass back to miss Paris, the last two items on the agenda.

1:15:40

Thank you, Mr. Jones. Okay, so we have a final opportunity under item 11. to mop up any outstanding matters that need to be covered today. We, as the XA have picked up anything that's occurred to us at the relevant point as we've moved through the agenda, so we don't have anything else that we wish to raise at this point. But before I close the hearing, I will just check whether any of the parties present in the room or virtually have any final matters on compulsory acquisition and temporary temporary possession matters.

1:16:12

Okay, thank you very much, then in that case, I'll just thank everybody for joining us in the room today. And virtually, your contributions have been extremely helpful as as always, and those who are attending tomorrow's is h three on the DCO. We will see you back here for a 10 o'clock start. So the time is 508 and this compulsory acquisition hearing is now closed.