

AUDIO_YORKSHIREGREEN_CAH2_SESSIO N3_18072023

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00:58

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

01:03

Thank you very much for coming back this afternoon. This morning, we hopped around a bit on the agenda just to accommodate those parties that couldn't be with us this afternoon. So what we're going to do now is returned to Item three, B, followed by four a, and any aspects of four B and C that we haven't already covered this morning. So I'll now hand over to Miss Coombs. Thank you.

01:24

So item three, B was a Genda item, any other matters relating to the applicants case for C, A and TP and I'm just looking to see if anybody has got any points to make.

01:39

As the to some of the landowners and agents have left. I'm suspecting there isn't any further points to be made. So we can move on now to for a so I was just going to give an update on the withdrawals that we're aware withdrawals of objections that we're aware of.

02:01

So we've received withdrawal of objections as follows George F. White on behalf of Mr. M. God, lemon. And that was objection 11 and George F. Weiss on behalf of the missionary family and that was objection 12. And then listen to Hey, on behalf of Mr. S Mills, which was objection eight, and Lister Hey, on behalf of C Lister, which was objection 14.

02:29

Just in connection with any future withdrawals, I'll just mention that these can be submitted at any time to the project website. You don't have to wait for a deadline. And there'll be published as other documents as soon as practicable after you've submitted them. Obviously, it's helpful to us to receive these as soon as possible, and as soon as they've been agreed. And this applies to the statutory undertakers as well as to the landowners the aid of the other landowners.

02:56

So now we're going to move on to items for B and C.

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Now, many of these have either been covered already, because we accommodated Mrs. Johnston's availability, or they were for Mr. Stevenson, who's unfortunately not with us. So there's just one area for the

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where Mr. Stevenson is representing Mr. Lumm. Miss Rabb. We just had one question for the applicant, which Mr. Jones is going to lead on so we will cover that. But just to say we will be putting some questions in writing we haven't quite decided in what format that's going to take to Mr. Stevenson. Mr. Jones. Thank you. Miss Comer says Mr. Simpson said we do have a number of questions for Mr. Stevenson. But we did also have a question for the applicant. And Mr. fileless, kind of half answered it already this morning and in relation to Newlands farm, but it was it was basically the question was obviously the examiner and authority have read the report on proposed changes 5091 But can you briefly explain your reasoning for the changes to the proposed access road to the Shipton cable siglin and compound the road the access road leading off from Newlands lane, and also kind of give us an update on the matter of providing passing places along Newlands lane. Again, Mr. Stevenson's latest submission refers to to be in talks about but then he came up with an alternative by the by the dead oak tree. So if you could just give us an update on where you are with the passing places and your reasoning for moving the access road 50 meters to the north. Thank you.

04:48

Steve. I'm not sure good. Yeah, that's not a problem. So the reason for the movement of access trackers in the submissions by Mr. Stevens is in terms of the preferred location for the access tract that would occur

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At the farming practices in the area. So

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we've discussed this with Mr. Stevenson's blog notice on the occupiers, and they're all in agreement that this proposal it's on the screen currently is a is a better solution that suits the farming practices and manufacture future farm expansion. So we've responded to that. And we could facilitate it within the limits. So we've put that church forward. So hopefully that answers that question.

05:31

And then in terms of the passing places, so we have put a portfolio forward a proposed drawing deadline five, which indicated that it's a notice to step sketch of what passing places could potentially look like along the lane towards New Zealand farms. So in this instance, we've put forward to passing versus one

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either side of the proposed kind of access to the chips in North Gilson and compound art. And this shows how a an artist articulated lorry could pass each other on that road. So it this is just an example of what could be proposed to give Mr. Stevenson an idea of how we would manage that on site. I think it is worth mentioning that this is a very much a worst case situation. We already have three Bell

mouths that proposed along that road. So in fact that the fact that they're 39 meters long, they can in fact act as passing places in an error and right, so those Bell marks have the ability to be able to pull HGVs off that road. And we have the ability to hold each head HGVs there as well. So these over and above those three belt miles that could be used in that situation. So that would be the proposal for managing traffic along that road alongside the measures that's out in the ctmp with the ALR, their delivery management system on the traffic coordinator. So it was an example to Mr. Stevenson as to how these passing places could potentially be accommodated along the ship, the roads are shipped to calcium and compounds.

07:05

Now in relation to the proposal by Mr. Seaver said in terms of putting access between the two compounds, so that is not something that we're looking to put forward as an option.

07:16

There's a number of reasons for this that I think we saw in our response already. But primarily, currently, there's no access trapped between the two cables sitting in compounds. So there would need to be another access track proposed that would cross to different land holdings as well. So it would be across a boundary and

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Mississippi some refer to a dead tree there. But along that hedgerows, very mature vegetation. And I think there would need to be removal of kind of mature trees in that area to facilitate that access.

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And I think it's worth pointing in that this is the existing public highway that which we believe we can manage effectively the traffic or so that there's no impact on the farm business. And that this, there's no need or consideration for us to be able to put the trap between the two compounds. The two clusters should compounds are for use by separate contractors, so that in any situation you would be then put in con traffic from one contractor through another contractors compound, which could lead to potential safety implications as well. Or we don't think that's justified on the basis that traffic along that road can be managed effectively.

08:29

Thank you, Mr. Fowler? Yes, I was well aware of your arguments is regard to Lincoln, the two compounds the other question that I had from Mr. Stevenson, but I'll ask it to you just in case you know, it's a Mr. Stevenson's representation. He refers to

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Newlands farm, but also other users using Newlands lane. Are you aware of what are the properties?

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residential business properties are along? New interlink? Because as far as I'm aware, it does, doesn't it dead end just pass Newlands farm.

09:03

It does dead end at the top of the road. And then it goes to a private track for weather events and so 90 degree up to the farm. This is something that many confirmation by Allen seen, but I'm pretty sure that there may potentially be another property up in that.

09:19

I'm just getting shaker heads there's not so the road is only up to our farm. However, there is a right of way up there so that it is open for other users. It is a public highway. So there may be other users that look to utilize that road. But as far as going up to the farm, I'm told it's just for Newlands as far as traffic. Thank you, Mr. fella. And just one last question that I think I know the answer to already but I take it the detail, the precise location of the passing places will be something there'll be determined at detailed design stage. That's correct. Yeah. Thoughtful. That would be the case. Okay, thank you. I've no further questions on that matter unless any of my colleagues do

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that

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Mr. Farrell, I'm just going to prove that I haven't looked at every single document that you submitted at deadline five. Um, can you just tell us where those drawings of the passing places are? Please?

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Yes,

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I will just need second find out where it was just

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yeah, just trying to find the reference for you at the moment. So that's okay.

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might just take a minute or so for us to find, but once I get that, and so we'll come back to you. Okay, that's fine. Thank you. Thank you. Um, so I think we're now we can move on to Agenda Item five. Because, as I said, all the rest of the elements of Agenda Item four have either been covered or the relevant agent isn't with us today. So in terms of five, this is

11:11

site specific matters for the applicant. So these are objections that have not been withdrawn where we haven't got representations with it, or we knew we weren't going to have representations with us today.

11:22

So I think there's just two objections to here in this section with that tally with your list Mr. Tony, I've got Charles wait for Mr. Ingram and Mr. P. swales.

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Rich tarnish the applicant? Yes, I think that's right. Okay.

11:42

So if we could just I mean, we heard a little bit about Mr. Ingram. The position with Mr. Ingram earlier, but I think just if there's

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anything you can do to just give us an update on

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how close agreements are to being reached and that sort of thing. Thank you.

12:05

Richard, Tony, for the Applicant RX expectation is the deadline that the objection will be withdrawn by deadline six. So we think it's going to be very soon.

12:16

It's a very advanced stage. Thank you very much. And then Mr. P. Swales, we've only heard from him at relevant Rep Stage, I think.

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And the objections were on the grounds of disruption to farming over several years. And I think the applicant center the meeting was held in May at our last CA hearing, but we haven't even heard anything further. So just to have an update on that. Apart from of course your helpful objections schedule.

12:47

Rich attorney for the applicant. So on this one, I think we're still negotiating around commercial terms. So there is ongoing dialogue with the landowner through their agent.

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I don't have a timeframe for resolution of that, I'm afraid. But we can at the next deadline we can update on on any further progress. Okay, thank you.

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So then there's just a couple of further ones. So five B was the

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previous conflict compulsory acquisition hearing, you talked about the the reason for the delays because of probates. And whether there's any progress on that one?

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Richard any FIAP? Can? No, there isn't. And

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it sounds to us, obviously, these matters are outside our control. It sounds to us as though those issues will not be resolved in the timeframe of this examination.

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So we are in we are in a position where we're effectively stuck.

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And

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so we're proceeding with a compulsory acquisition.

14:01

Okay, that's helpful. Thank you.

14:06

Yes. And so now just moving on to work number you eight through five. See? Yeah, we've noticed noted the response to the second round questions. And we just like to explore this further. As you've seen, we didn't get a response from Northern power grid.

14:23

And I think it's fair to say at present, we're still not persuaded that all of the land associated with work number uaces needed.

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You state or the applicant states that it should remain in the order limits and the DCO. So that there are powers to make any amendments or undertake works, the undergrounding should impact on the construction works in any way. So I think we just need to know a little bit more about what circumstances might arise that would necessitate that.

14:52

Reach 10 If the outcome Thank you. We are in light of your ongoing concerns. We're going to remain

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Usually request for compulsory powers in respect of

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works, you eight. So we're not proposing to do that through

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a change to the, to the works, but just to remove the CA request and so that those powers won't exist in the order. And I think I think that addresses the extent of your concern, at least I hope it does. So we've

taken on board what you've said on that, and that's the approach we're proposing to take. Thank you. And just to confirm that does take away our concerns with that regard.

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Um,

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and then finally, five D. I think at the last hearing, we had

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just a little numbers

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of heads of terms in negotiation, etc. Mr. A lot gave us that. And I just wondered if we could have an update on that.

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You might have missed it might have been something else that I haven't noted yet.

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I'll hand over to Mr.

16:06

Tommy, National Grid, the numbers as of today.

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We've got 78 heads of terms still in negotiation 33 have been signed, and we have the still got the one option that is agreed and signed.

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The monk fryston tenancy surrender.

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Okay, thank you.

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Um, do you think we could have just that little table updated at the next deadlines? I think that would just be helpful if that can be submitted either within the

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well, maybe not in the hearing notes in just as a separate table.

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Thank you. Yes, we can do that.

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And yeah, the the the additions that you've made to the objections schedule, we found that really helpful just to get a bit more of a feel for what the issues are, and the likely timescales. So thank you for taking that on board. And I think we've already there's already an action in terms of when those will be submitted for the rest of the examination.

17:13

So Mr. Tony, we just wanted to check whether the applicant has any concerns or outstanding issues with any affected persons who are not the subject of objections, ie ones we won't have discussed earlier, as I'm sure you're aware, you know, surprises coming out of the woodwork, at least in the day in terms of examination. Don't help any of us, though. If there's anything that you think it would be helpful for us to be aware of, this is really the time that we'd like to hear it.

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Reached out if the applicant No, obviously, there are still some issues that you will wish to discuss that in respect of statutory undertakers. But in terms of the

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individual objectives now there's there's nothing else we think needs needs consideration at this stage.

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I do have the reference that

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we were looking for earlier in respect of the passing places, it's rep five hyphen 08. To our comments on the interested parties submissions, and it's paragraph 8.2 For

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appendix in the appendix, okay.

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Thank you for that. Yeah.

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Unless there's anything from anybody else on the call with regards to

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affected persons who aren't statutory undertakers then didn't see any hands up? We'll move on to the statutory undertakers.

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They must, should we

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should we deal with national highways first and then yeah, so I'm

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there, we'll deal with national highways first, and then we'll go on to the three statutory undertakers who aren't represented and Miss powers will read out the lesser from national

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gas transmission.

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Though if we can start with the good news and protective provisions have been agreed with some statutory undertakers. Mr. Turney, perhaps you can just confirm which those are

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but yes, Reg attorney for the applicant. So in terms of the agreed protective provisions, we have got

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canal and rivers trust

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and the two northern power grid entities

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that's what I've got on my list as well. So it's good.

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I think the way the way we'd like

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like to proceed now is just to ask your one of your colleagues to give a quick precis of the section 127138. Case.

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Well, for national highways in the first instance, and then we'll ask national highways, spelling them to, for a response to that. And we'll then deal with

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progress on protective provisions and any other relevant agreements. But we'll deal with the articles and requirements in the DCO. Tomorrow. So we've made that

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separation, we may sort of blur the edges a bit if that seems relevant. So just as a reminder, before we start, um, deadline, 6/28 of July, is the last deadline before we publish our commentary on the draft

development consent order. And in that draft, we will be commenting on protective provisions. So we will be basing our commentary on whatever we've received at deadlines thick. So for us, that deadline is really quite crucial in terms of having an ability to comment on on everything within the DCO.

21:18

So Mr. Attorney, I don't know if it'd be you. But if we could just hear a precis of the applicants section 127, section 138 case for national highways. And maybe at the same time, you can give us the applicants opinion on progress on protective provisions with national highways.

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And registering for the applicant, can I first of all refer the examination to document rep five hyphen, F h seven, which is the deadline five submission, explaining the position in respect of section 127. And section 138 of the Act in respect of national highways.

22:00

So that sets out the case

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in terms of section one to seven. That's obviously concerned with situations where there's an acquisition of interests or rights in the land of statutory undertakers.

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And it's engaged because of the powers that are sought in respect of in this instance, land, which is in the control of national highways. The the overall

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case that we put forward, obviously, we won't go into the detail of it. But it's important to remember that the need cases is the project need case, which we've set out in detail elsewhere, and is summarized in Section 1.2. Of the representation.

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And I think they'll be well understood by the essay and by national highway, so I won't go over that. In terms of the proposed works and how they affect national highways land that is set out at section 1.3. Of rep 5087.

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There are three locations where there is work, there are works over national highways land.

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And I don't know if it will assist to have Mr. Fowler provide more explanation as to what those words comprise

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or whether the summary there is sufficient.

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But

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in essence, the first area is the

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around Tadcaster

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and the

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two new Gable cilia and compounds which we've been discussing this morning, and the work so far is their fat national highways.

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Our work is proposed to the existing 275 KV overhead line, including replacing inductors and replacement of pylon fittings, strengthening of steel work and worse foundations. And for those re conducting works, the reconnection works in particular scaffolding will need to be installed over the A 64

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So that's the first area then

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at

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further works to

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the existing 275 KV LAN

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near to monk fryston. And the works there, again are concerned with the over sale of national highways roads, and that is in the location of the a one a 63 roundabout. So again, we need scaffolding

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In the

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works there. And then similarly,

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what we've described as Section F, effectively in the same location as scaffolding over the a one a 63, for re conducting works of the

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Axi XCP.

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Line.

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So those are the proposed works.

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And as I say, if there are any questions about that, Mr. Fowler, I'm sure we'll be able to assist. But in essence, the impact on national highways

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land that's used for the purpose of that undertaking is concerned with works over the highway, scaffolding over the highway, whilst overhead lines are worked on,

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and the actual impacts of those and the management that again is something Mr. Fowler can explain in more detail.

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And in terms of section 127.

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The revision is that the DCO can only include provision authorizing the compulsory acquisition of statutory undertakers land, which includes a rise over the land, where the central state is satisfied, the land may be purchased and not replaced without serious detriment the carrying on of the undertaking, or it can be replaced with other land belonging to or available for acquisition by the undertaking without serious detriment.

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So

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in

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this case, we say that the

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works can obviously be carried out without serious detriment is not a term which is defined in the statute.

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And obviously, you have to make a judgment. But given the nature of the works here for national highways,

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it is quite clear in our submission, that there won't be a serious detriment.

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So we've set out then, section 1.5, the nature of the impact and the land which is

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which is affected,

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and the nature of

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the identification of the plots, which are concerned.

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And as we summarize at paragraph one, point 5.6 of the deadline five submission.

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We say that there's no serious detriment to national highways.

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And in the most part, the interference with national highways operations would be would be minimal.

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And, of course, in addition to that we're seeking to agree protective provisions

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which would address those concerns, should we have to rely on the compulsory powers which are contained in the order?

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So

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there's a similar position in respect of the section 138.

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And

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in terms of the extinguishment of any rights, which again, we set out at 1.6 of the submission, but the overall case is that

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in terms of the need for the project, clearly established, we say, in terms of detriment, national highways, we say, no serious detriment, and in fact, very little detriment at all. And in terms of section 138.

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The, again, the tests that relevant statutory test is met.

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So that's in summary, that position is all set out in in some detail in that submission.

29:00

Yes, yes, those are. Those submissions are ones that I have read.

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So, Mr. Bellingham, I think, if we could

29:09

thank you for your deadline, five submissions, which we have also read.

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And with the updated statement of common ground, that's helpful. So perhaps we could have a response to the points that Mr. tourney's made on behalf of the applicant.

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And then some sort of comments on the way that the protective provisions are going in terms of discussions with the applicant.

29:36

Yes, thank you. You're welcome for national highways.

29:39

So there are 18 plots which are held by national highways for the purpose of it's such an undertaking, and national highways holds an interest in 16 further plots for these purposes.

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As we've mentioned throughout the examination, the SRN is a critical piece of national infrastructure, which national highways needs to be able to effectively manage and without being encumbered by unnecessary third party injury

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rests. All applications for rights over the SRN must not disrupt national highways ability to operate, maintain and amend the network, with suitable restrictions as well as protections for the Highway Authority. Without such restrictions and protections and acceptable risks would be created to the public's ability to use public highways.

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A further 30 plots are owned by national highways but are no longer held for the purpose of its statutory undertaking. And that's because these plots no longer form part of the SRN following the trunk into the local highway authority.

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And in a written submission, I can list that particular plots rather than go through them all today.

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So the position of national national highways is if the undertaker was to acquire national highways operational land, or extinguish any of its operational interests, this would cause serious detriment to national highways undertaking similarly, it could cause serious detriment to the local highway network. In respect of those those points as well.

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For permanent acquisition of land, there is a detriment due to loss of ownership of the estate and therefore compliance with any regulatory responsibilities. It also becomes an issue with regards to suitable depth or height of ownership for maintenance purposes and potential for trespass.

31:12

Ownership of the subsoil beneath the highway and the airspace above the highway also enables the highway authority to grant easements and to properly authorized streetworks over or under the highway, should a third party on that land, they could potentially benefit from a ransom position should other party in these other parties need to place operators over under the highway. Whilst the highway authority would still have powers under the new roads and street Works Act to authorize such works, it would no longer have the proprietary interest to pit to permit what would otherwise be a trespass in the absence of statutory rights. That third party would need to also also authorize those works and as we submit would not be in the public interest.

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Given the applicant status here as a statutory Undertaker, it already has a statutory right to place its cables over the highway pursuant to the Electricity Act, subject to the approval of the street authority,

and the means by which this can be done is governed by the new roads and street Works Act which ensures the highway authority are adequately protected.

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There is therefore no need for the DCO to authorize compulsory acquisition powers for these purposes. As a means of last resort. It cannot be said that the compulsory acquisition tests have therefore been met in this regard.

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Moving on to the acquisition of rights. This is only likely to scopes to cause detriment to national highways interests. If it cannot coexist with the right the national highways holds. If that was the case, national highways interests would be extinguished under the current draft DCO. Notwithstanding what said in the recent submission, there was still no

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commitment not to extinguish as far as I'm aware, at least there's no commitment not to extinguish natural I was interested in the DCO itself. And if that was the case, this could make it impossible for national highways to carry out its statutory functions.

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National Highways protective provisions are written in a way to ensure that this does not happen.

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It's probably worth noting that powers under the highway highway authorities accessing third party land, and not as extensive as one might expect. Whilst many powers are included. Some of these are only permissible following an application to the magistrate's as some situations are not covered at all. As such, now national highways has negotiated private interests in London joining its network. If these rights were extinguished, it could cause serious detriment to national highways, as it wouldn't be as it may no longer be possible for national highways to carry out your statutory duties and maintenance responsibilities. interests of national highways in third party land that could be extinguished under proposals include rights of way and access rights to build and maintain rights to install and maintain service apparatus and rights of mountains access

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the applicant to say that their rights can coexist and that they weren't extinguished national highways rights or interests yet, as far as we're aware, there was no commitment in the DCO. To do this. The power exists in the draft DCO as far as I'm aware, and the applicant has not accepted national highways preferred set of protective provisions which would deal with the point.

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So just to sum up, national highways position.

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In our view, compulsory acquisition powers are not necessary in respect of national highways operational land, plus local highway authority, a statutory rights already exist. And for third party land level, which national highways holds an interest granting compulsory acquisition powers would cause serious detriment to national highways undertaking unless the applicant commits to not extinguishing national highways interests. Thank you. Thank you.

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Mr. Attorney, would you like to respond to any of those point?

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Rich attorney for the applicant? Yes. So obviously we are trying to settle protective provisions.

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We

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note the point that Mr. Bellinger makes about

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out not extinguishing any interest in national highways has where they're not free holder of the land. And we understand that we'll take that on board and make sure that that is accommodated within the drafting of the protective provisions.

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Generally, the suggestion that we don't need all the powers which I think was a starting point and Mr. Bellingham submission, we we strongly disagree with.

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We are crossing the highway for a nationally significant infrastructure scheme, and we need to be able to deliver it in a timely fashion to meet the the compelling need case.

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Now national highways already have national grid, overhead lines overselling the highway in many, many places. And the way in which national grid will have to enter into the highway land and ensure that

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that line can be safely worked on is something which national highways will be familiar with. It's not a

36:05

an unusual proposition. But it's absolutely essential for the delivery of the significant public benefits of this scheme, that the project to be able to do that in a timely fashion pursuant to the order. So that's why we see the powers on why it's not just being dealt with under private agreement or under the new road streetworks out if that were possible.

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So we do say that there's a clear case for acquiring the rights and the interests that we've identified. We understand and respect the point that we shouldn't exercise compulsory acquisition powers in a way which is going to prejudice, national highways, long term interests in the land. And we'll ensure that's reflected in the protected provisions if it isn't already.

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But in essence, we think there's a there's a clear case for the compulsory opposition here. And I think most notably,

37:04

in terms of the actual works at any Mr. Bellingham really touched on what's involved. But to be clear, we're talking about scaffolding over highways for a temporary period

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to allow the deadlines to be worked on safely. And there doesn't seem to be any real suggestion that kind of activity is prejudicial to the operation that I wear. Indeed, it is part of the nature of the operation, the highways network, that it's going to have to operate safely, that when National Grid is working on overhead lines, it should be able to put in place measures to ensure that those works are safe.

37:42

So I think the case has been a little bit too highly by Mr. Bellingham. But in any event, we can certainly accommodate his his land interest concern, but we do maintain that we should have the powers in question.

38:00

Thank you, Mr. Turney. And Mr. Bellingham. There's two areas actually that if you could help us. So the first one is just to respond to Mr. tourney's point about the nature of the works and whether I were I'm sort of paraphrasing, but whether the the points being made on behalf of National Highways are taking into account the fact that it is it is I'm not trying to under

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it scaffolding across

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highways is that the nature of the works? And then the second point is

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can you just clarify for me whether

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you're disagreeing with all of the bespoke protected provisions that

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the applicant is proposing? And you're saying, but only the whole of the national highways protected provisions

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can be applicable? Or are you saying that there are places where you feel that the applicants proposed wording should be substituted by by some of your wording, I just want to get a feel for how far apart you are?

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Yeah, sure.

39:14

corbelling International hire is yet to send you the first question the nature of the works.

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Yes, it's accepted that the known works, if we can call them that

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are relatively limited in terms of their interaction with the SRN. Nevertheless, we are talking about high speed roads and working above them. So

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quite rightly, this, you know, this isn't unusual, these works aren't unusual. They do go on, but we need to make sure that they're, you know, they're appropriately authorized, and the appropriate standards are followed, etc, etc. So, so that's where the potential detriment comes to us. You know, if it if everything runs smoothly to plan, then there should be no concerns. But that's why we asked for the relevant protections to be included in the audit to make sure that that happens. And

40:00

Because obviously, if it doesn't happen, you know, the consequences can be pretty catastrophic. And so that's that's the comment in relation to the known the known works. What's what's of great concern to to national highways is the wide drafting of the DCO, which allows the applicant to carry out what we'll call a known works. So talking about the catch all provision at the end, the shedule, wanted the draft DCO, which will would enable the applicant or gives the give the applicant the power to carry out

40:33

all manner of works too well to highways within the order limits, which will include the SRN. And that's, that's, that's the main reason why, you know, we have the concerns in terms of the protective provisions and the the paragraphs of which the applicant is, you know, striking out is not accepting.

40:53

You know, I do accept that, you know, for the known for the known works, that there may be some provisions that may not be strictly necessary. But because of this power, that would be included in the

current draft, which would enable further works to carry out we need to make sure that we're, you know, we're covered in that situation. If, you know, if the if the applicant didn't trigger those works by exercising that power, then there should be no concern to them that those those provisions wouldn't wouldn't bite. But we can't have a situation where an applicant is given the power to carry out unknown works on our network without the full protection in place. This This isn't controversial in sort of the cap Town and Country Planning regime. You know, it's well known that anybody coming out works on any highway highway authorities network needs to have a section 270 agreement in place, and that will cover various provisions around you know, approvals, design, financial issues, security, etc. That's, that's the position that we're coming from. That's essentially what our protected provisions require. It's, it's akin to a 278 agreement. So it's these unknown works, which shedule one could provide for that mean, that we have to insist on awful separate provision has been included on the face of the order.

42:10

There if there was some resolution, I guess we'll cover this tomorrow. But if there was some resolution on the shedule, one, descriptions, then

42:20

some or all of the

42:24

issues with the protective provisions would fall away.

42:27

So it was certainly wouldn't be all was, but but potentially, yes, if for argument's sake, you know, the SRM was excluded from the shedule one catch or provisions, then I think we would be much closer than we currently are with the applicant in terms of settling the protective provisions.

42:46

You're coming tomorrow on you, Mr. Bellingham? Yes, yes. Okay. So I think I mean, we, it's a bit we have separated these out in terms of Tuesday, just in terms of timing, really. So we'll pick this up. Importantly, if you want to say something was funny to say that's something for the applicant to think about overnight, if we don't deal with it further today, and then we'll come back to that in tomorrow's discussion.

43:14

Which is only for the applicant.

43:17

certainly will, will continue to think on this. But I think just to emphasize,

43:22

in the latest draft DCO,

43:26

paragraphs 61

43:30

through 264. Of the shedule, which contains protective provisions, the number of which opened temporarily. sheduled 1515. Thank you.

43:45

That covers the approval by national highways of the works that we would carry out within the within the highway. So I don't think that there's a point of principle between us. There may be points about the drafting, but in and as a point of principle between us, certainly we're not suggesting that we would proceed with works on the highway without the approval of national highways for those.

44:12

But we're happy to look at the wording in more detail tomorrow.

44:17

Mr. Bellingham, have you had a chance to look at the presumably they're being discussed outside of the deadlines that we set it in terms of the most recent version of the DCO, the protection provisions that are included in there?

44:31

Are you saying are you saying that those still don't give you the

44:36

the sort of security that you need, and you still would want to go back to looking at the sheduled one descriptions? Yes, that's right. Yeah. Yeah, but they aren't they have moved on. I suppose. They have moved on to since

44:51

the earlier hearing, for example, that there have been some sort of concessions made by the applicant, but they haven't gone far enough as far as national privacy is concerned.

45:02

Mr. Attorney, can you just enlighten us on sort of what

45:06

whether there's a common way forward in this way? So

45:10

we, there's some national highways protected provisions, there's ones that

45:17

you've set out, which are bespoke for national highways, there's differences between you. And

45:24

I'm just sort of wanting to understand how these things get resolved.

45:33

Which attorney for the applicant? Well, if we can't, by the end of the examination agree on protective provisions,

45:40

you will have to make a recommendation based on either the protection provisions as we've put them forward or on a recommendation that approval is only given if the protective provisions are changed in some particular way. As with any other aspects of the drafting of the development consent order.

45:59

I think in terms of approach,

46:03

certainly, in my experience, the normal thing would be to look to focus on the protective provisions to restrict the ability of the Undertaker, under the order to carry out works within the highway, rather than to look to restrict the provisions in scheduled. One, because unless there are a complete restriction of that project flexibility, which is common to certainly all developing consent orders I can think of, unless it's a complete restriction, Mr. Bellinger Jim's point would remain well, we, we only want you to do these precise works and we'd be concerned about other things. But we say that issue is properly addressed by protective provisions which give

46:52

national highways the ability to approve those works so far as they touch on the the the national highways undertaking. So

47:02

our position is we do need to focus on the protective provisions rather than scheduled. One because rewriting scheduled, one for

47:10

national highways is going to be a far more complex exercise than giving national highways that specific production where their interest is engaged.

47:20

And as I say that the point that national highway should have control

47:26

over those works is one that we recognize. And that's reflected in the terms of the protective provisions.

47:36

Thank you that was helpful. And I think we're very mindful of what our responsibility is. And at the moment, we wouldn't be able to give the secretary of state

47:48

what they would want, because at the moment, we're presented with two different sets of protective provisions. And we could not recommend a pick and mix approach to the Secretary of State because the potential for discrepancies between two sets of protective provisions would therefore arise. So I think what was going to be most useful to us. And I think we did ask for this that deadline five. So by deadline six, I'm I think we need very precise wording of where the areas of dispute are from both sides. So from national highways, and if it doesn't matter whether it's

48:31

based on one or the other set of protective provisions, but we need to understand where precisely the areas of dispute are. And I'm

48:44

if we don't have that, then I'm we can't put anything in protective provisions in the commentary on the on the DCO that we will be issuing on the 16th of August. And then that puts us in a difficult position with regards to recommendation for the Secretary of State. So I really am urging that detailed wording by deadline six from both parties.

49:08

As that

49:11

I'm seeing nods, but I'd really like to hear yes, we're going to do it. Yes. Richard, anything that we can yes, we're happy to provide that detail as to why we say the

49:23

the wording is

49:25

the point of difference in the wording.

49:28

Yeah, so what so what we would need is the different wordings so that if we were to recommend to the Secretary of State

49:38

for example, the applicants protected revisions except for X, Y and Zed and there we will be moving to something we need to understand the precise wording where the differences are.

49:57

Mr. Bellingham is that something that's national highway

50:00

So we'll be able to do. Yes. Programming in functional areas. Yeah, I already made a start on that. So hopefully it shouldn't be a problem from our perspective.

50:08

Because it'd be even better if you grade them all by deadline six.

50:13

Absolutely. Under here, we'll, we'll continue to have discussions in Africa.

50:28

So, I mean, I was going to if you've missed attorney, you have clarified, something which I had,

50:36

from the statement of common ground ID 5.2. Point one, I'd understood that I'm the applicant was saying there was only one area of crossing of the road. But you've clarified to me that, in fact,

50:52

from your perspective, there's three. And I know that Mr. Bellingham, you included, national Iris included little plans, didn't they in your submissions, though? You're Mr. Birmingham, you're in agreement with the geographic locations that Mr. Turney set out in terms of the where the interest fly in terms of the scaffolding over the highways?

51:18

I'm really not the best person to answer that question. So okay, because I thought there was four maybe we can just look at Could somebody put up the national highways submit deadline five submission that had had little plans in it? Because I think there was something about going over a balancing pond as well.

51:40

Sorry, Mr. Hughes, I'm really testing your ability here. I

51:48

think it's rep 5114. Thank you.

52:23

If you scroll through, you come to a page where there's some small plans.

52:32

Yep.

52:38

Yep, that's it. There we've got number one is the A 64 Crossing which Mr. Tony talks about.

52:45

The next page, please. And then

52:50

access from the A 64 slip road. So perhaps that's the one that Mr. Turney didn't mention, is that right?

53:08

Reach attorney for the applicant, I'm told that that has been removed, because there's no impact on the strategic road network in that location.

53:17

I think that has been removed from the list of streetworks and the DCO, this deadline.

53:25

So Mr. Hughes, if you could just move on to the next page, please. Sorry, can I just ask for question a clarification. So

53:34

just going back to the docx or slip mode, so is the no longer proposal to take an access so what we're saying

53:45

bridge 70 for the outcome, there's there's no change to an existing site access.

53:51

So we don't need

53:54

to modify the access to the strategic road network.

53:59

Thank you

54:08

that what you thought was path.

54:11

I definitely seen it was removed from in the track change version for this TCO.

54:18

We can pick this up under the TCO tomorrow, if if necessary. So then the third one is the

54:26

world the past of the A one M and the a 63. And then

54:32

if you just scroll to the next one, Mr. Hughes.

54:36

Yeah. And then again.

54:40

I think we just we just like to be sure that

54:44

both parties are clear that we're talking about the same geographic locations but I think we are

54:55

Mr. Tony, I wonder if someone from the applicant can just explain

54:59

why

55:00

If the applicant thinks that approval times should be lower for scaffolding or crossing works over four meters above the SRN

55:09

and the diems, consent should apply.

55:23

Jonathan bow on behalf of the applicant, in order to address some of the comments that national highways did put in place previously, we, as we've indicated in the previous or so in the latest draft of the DCO

55:39

introduced a provision whereby, firstly, all consent, will sorry, consent for any works within the four meter envelope, as we've described, it would be required from from national highways. And that addresses hopefully addresses some of the concerns that national highways as hard as as Mr. Turney has indicated, so in terms of then works above the

56:02

that four meters in order to install the scaffolding, and if it would help, Mr. Fowler can explain sort of some of the practical application of how those works are undertaken, but in order to ensure that they are delivered in a timely manner. And because it is a well used process, which is undertaken by

56:24

National Grid when interacting with either the local or the strategic road network.

56:31

As I say, in order to ensure that it's delivered in a timely manner, it's essential that National Grid is able to secure the necessary approval

56:39

quickly, and has included a deemed approval process in relation to any other works that fall within the four meter envelope, then it is a deemed refusal as per the drafting. But having said all of that, we appreciate that.

57:02

National Highways has only recently seen the drafting from National Grid and equally

57:08

national grid has only just seen the drafting from national highways. And, Madam given your your comments that you have just made in terms of urging the parties to discuss there's a real opportunity for us to now sit down and actually produce the

57:24

what hopefully is a sort of a comparison wording with explanation. And it might be that there's some movement in it on that point, and obviously, some of the other points as well.

57:34

Thank you, Mr. Bow, that was helpful.

57:37

Mr. Bellingham, do you want to come back on any of those points?

57:41

No, I understand the I understand the rationale behind behind the change. doesn't agree with it. But I certainly understand the reasons and the different differentiation that's been made between within four meters and the post Cold meters, but just just for clarity, any, any scaffolding across Yes, sir. And has to be minimum, five, five and a half meters, I think the clearance has to be at a minimum, five 5.5 meters. So obviously, that would be above the four meter envelope. And we obviously have significant concerns to make sure that that's all done appropriately. And with our approval.

58:16

Thank you.

58:19

I think I'm not going to

58:22

pursue further

58:25

bits of detail, because I've probably got

58:29

Well, I think if it feeling that confident that there's going to be discussions, further discussions about this, then I think we'll await a deadline six.

58:40

Explanation and wording in terms of the areas of dispute.

58:47

So I just had a further point, Mr. Bellingham, can we just ask about progress on the form of agreement to secure land rights with national highways?

58:57

That was mentioned in the statement of common ground? Yes, we have now.

59:03

Or since the since the previous hearing, we've engaged in consultants to carry out those negotiations on our behalf. I believe there they are in phase one with national highways. National Grid sorry, is his own land plant lands people. So

59:20

I do believe it's going quite slow. I think that's there's been issues with it being sort of holiday season and people not being around. But I have tried my best to try and push that push that along. Because obviously I appreciate it's in everybody's interest if we can do so. So yeah, I'm happy to continue trying to chase that up and push that along. But yeah, there has been movement since the last hearing but appreciate probably not as quick as, as anybody would like.

59:42

Certainly, is that fair, when

59:47

Rich said if the applicant? Yes, we're trying to. We're trying to reach agreement on that and hopefully we will do. It's maybe a bit slower than we would have liked but hopefully we can update you

59:59

as to probe

1:00:00

Rest

1:00:02

well, I think if we could have a progress commentary at deadlines six that that may come under one of the

1:00:10

items on deadlines six anyway, but we I think we'll put that as an action.

1:00:18

So Mr. Bellinger, have you got any further points to make at this stage on the

1:00:23

on the protection provisions?

1:00:27

No, I mean, if there's any sort of areas where you feel it would be helpful for us to understand the sort of detail of where the differences are, if you think that will be helpful for us to hear that today, then we're very happy to hear that.

1:00:44

Thank you appreciate that. I suppose all I'd say it was I was, I haven't actually prepared that you because I thought that would be covered tomorrow. So I could probably do a better job if we could do that tomorrow rather than today. No, we can. Yeah, that yeah, we can pick that up tomorrow. Thank you.

1:01:02

So I'm going to move on unless Mr. Tony, you've got any further points, then I'm going to move on to national gas

1:01:10

transmission PLC, just so you get a break from my voice. Mr. Powers is going to read out the letter that we received this morning.

1:01:22

Thank you. Okay. So we as I said, we were expecting two representatives of national gas transmission this today, but they've sent us this statement.

1:01:35

Okay, so firstly, the application includes provisions which would if granted authorized national grid to carry out works over and in close proximity to assets belonging to national gas, and use such land temporarily and to acquire permanent interest in such land. In particular, there is the potential for impact on a high pressure major accident hazard pipeline.

1:02:00

And get which is referring to the applicant did not share its application under Section 127 and 138. In advance of this hearing.

1:02:09

national gas transmission became aware of the contents of the section 127 application yesterday, I will prepare a formal response in due course.

1:02:18

It is national gas transmissions view that the current protection provisions are inadequate to ensure that any interference caused will not result in a serious detriment to carrying out national gas transmissions undertaking national gas transmission requires bespoke protected provisions. The current draft statement of common ground is clear at 3.1 Point one that both parties agree that protect provisions are required for national gas transmissions undertaking and will be included in a future iteration of the draft Decio bespoke protected provisions for national gas transmission remain under discussion between and get a national gas transmission. And while the issues are narrowing a key point of contention relates to end guests desire that national gas transmission acts except a capped indemnity. Given the nature of national national gas transmissions undertaking a capped indemnity cannot be accepted. Where specific protective provisions are contained in a development consent order for the protection of national gas transmission and its predecessors. None have ever contained a capped indemnity. See, for example, the following orders which all contain uncapped indemnities in favor of national gas transmission, regardless of project type, or ng t, national gas transmission apparatus. And then it refers to the Hornsey for offshore wind farm order 2023 hot off the press, East Northampton shared resource management facility order 2023 The a 47 one split to Sutton element consent order 2023.

1:03:46

in promoting a DCO that will impose changes on land rights and grant consent for works which could impact a high pressure major accident hazard pipeline, there is the potential for serious detriment to the undertaking of national gas transmission. Any costs associated with carrying out works that damage national gas transmission. major accident hazards pipeline and associated apparatus should not be passed on to national gas transmission and its customers by an indemnity which is kept effectively national gas transmission guide customers are being asked to subsidize and gets potential to cause serious detriment to national gas transmission. As the examining authority will be aware, the latest draft of DCO contains an uncapped indemnity in favor of network rail infrastructure limited. national gas transmission is requesting the same protection for its major accident hazards pipeline that it has been afforded to network rail's undertaking. And then in respect of future deadlines, it says, based on and gets position of not offering reasonable provisions contained in every other development consent order, it is unlikely that an agreement will be reached, but national gas transmission is open to continued negotiations. However, to assist the examining authority national gas transmitter

1:05:00

Shouldn't will provide appropriate protective provisions at the end of the examination, if agreement cannot be reached, national gas transmission will also provide a full response to the section one to seven application at the end of the examination, if agreement cannot be reached with em get. And that's the end of the statement.

1:05:25

Thank you, Mr. House. So I'm obviously we were anticipating

1:05:32

individuals here to be able to have more of a dialogue. But I'm

1:05:38

turning I think if you could, in any case, because we're hoping that national gas transmission

1:05:46

will be looking at the recording of this. So if you could just give a similar precis to the one that you gave with regards to national highways, I think that would be helpful for all parties.

1:06:03

Rich attorney for the applicant? Yes. So

1:06:09

I just started one Mon.

1:06:21

Yeah, sorry, I was just finding the reference, it's rep five hyphen 088 contains the application under Section 127138.

1:06:33

And

1:06:35

it is in similar terms to the similar structure to the national highways application. So it'll be familiar to the examining authority. Again, the need case remains the same. It's the same project same purpose.

1:06:53

And I think probably the the

1:06:56

place to go in terms of understanding the works is section 1.3.

1:07:02

There are two locations where

1:07:07

there is

1:07:09

where we've identified work over ng T's land in particular.

1:07:14

And

1:07:16

these are works at the in in Tadcaster,

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the new cables, the land compounds and

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monk fryston.

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And I think in terms of the nature of those works,

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in essence,

1:07:38

most of the interaction with the

1:07:43

interest with the apparatus of

1:07:46

national gas

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is concerned with the creation of temporary access roads, and the use of perpetually running over the top of their assets.

1:07:59

And the works in question

1:08:04

we considered to be

1:08:06

non intrusive, and, and therefore, low risk.

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And

1:08:16

I think that's the same. In fact, in respect of all of the works, there is one of the

1:08:24

I think one of the towers can there's there's some buried apparatus, but there's it's one of the towers, there's not affected by an intrusive works in terms of new foundations. So

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in essence, it is a very light touch impact.

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And it's for that reason that we have been looking at what we say should be proportionate, protective provisions to reflect the minimal

1:08:54

risks that are involved. And the fact that the works are not intrusive, we're not moving around a national gas apparatus or anything of that nature.

1:09:04

So the nature of the works and the need for them is set out in, in our submission, a deadline five,

1:09:13

effectively for the same reasons, as we said, for national highways, we say that these are works which clearly

1:09:22

can be authorized. Under the DCA. There's no serious detriment to the undertaking. There are protective provisions in the order as it stands, which are to be found in part one of schedule 15.

1:09:37

And those provide some protection for national gas as the undertaker in terms of the negotiations on

1:09:52

the specific detail of

1:09:55

bespoke protective provisions. There has been an issue as is

1:10:00

I identified about the wording of indemnity provisions.

1:10:06

The position of the applicant is that the indemnity being sought, the unlimited indemnity being sought is unreasonable on the facts of the case. Because the issue is concerned with works, which are non intrusive and low risk, and therefore, an open ended, indemnity is not appropriate.

1:10:27

But obviously, we continue to negotiate on that point. Again, we can identify in our written submissions the difference between us and I think we'll take that opportunity to comment on the written statement that has been filed

1:10:41

by national gas today. But our essential point is that we maintain that we should be authorized

1:10:49

to have the powers that are set out in the order, but also the protective provisions that we're proposing, again, to be appropriate and sufficient to protect any interest in natural gas.

1:10:59

So that's an outline of our position. But I think we'll take the opportunity to respond in writing to the written statement that's been filed.

1:11:07

And we'll do that step line six. Thank you.

1:11:12

Um, so we've noted that national gas transmission has said it will respond by the end of the examination, but we are going to be we have already asked all the statutory undertakers to respond to any section 127138 cases by deadline six in our secondary written questions, which was Question four, point 2.3. So we will be putting that as an action in the Action List from this hearing. And our case team will be contacting national gas transmission to alert them to that point, because I'm,

1:11:53

well, for the reasons that I've stated earlier, and deadlines. Sixes is important to us. And we require that information earlier than the end of the examination.

1:12:04

And likewise, I think, the way in which we described what would be most helpful for us in terms of protective provisions and the detailed wording in terms of of areas of dispute, then Mr. Attorney, if that can come from

1:12:20

the applicant. But we will also be asking, by at from an action from this hearing, again, that the case team will follow that up with them national gas transmission, because we we need to see where the areas of difference are in sort of precise wording.

1:12:40

So that's another deadline six action for you and two that will pass on to national gas transmission.

1:12:51

Might I add on that, that one of the issues that we have struggled with in our conversations with national gas transmission, and that I would have raised today, if they were here is that we do not understand why the indemnity that we propose is thought to be inadequate, we don't understand why the sum involved is thought to be inadequate. aside from it being said, there should be an open ended indemnity.

1:13:18

And we've asked for information as to why the risk to their assets is thought to justify that, as opposed to there being a cap. And we don't yet have an answer to that. So maybe that that is an issue that they wish to address, because certainly that's the point, the main point that I would have made if they were here today. Okay, well, we can sort of incorporate an action that relates to that. And likewise, if they'd been here, then I think I would be asking them

1:13:47

if they'd verbally presented what's in that written statement, that I'd be asking them, what sort of impact on their asset was occurring in those three examples, but they have given us because it would be helpful to understand the nature of

1:14:03

the the impact on the asset, compared with what you're explaining to us that is

1:14:11

relatively minor in the state of what

1:14:15

can on occasions happen with regards to assets from national gas transmission. So I will perhaps incorporate an action for another action for national gas transmission to just give us a bit more information about

1:14:34

the the examples that they've given us and how those relate in terms of the nature of the works with what is being proposed here by the applicant.

1:14:46

Um,

1:14:50

Mr. Tony, I think this has signed great agreements as well with national gas transmission. Is there any progress on that?

1:15:01

I'm told eBridge napkin, I'm told it's the same issues in essence, which are holding up the side agreement. So hopefully we can continue to discuss that and reach some resolution. But I think the two go hand in hand effectively. Thank you.

1:15:15

So you, if you've got nothing else, we'll move on to Northern Gaff. Um,

1:15:20

so I'm not going to ask you to set up the case for Northern gas. We had planned not to do that for the ones that weren't present. But I felt because of the diff, the change in status of natural gas transmission, then it was helpful to hear the points from

1:15:42

that your section 12713 case 138 case.

1:15:48

So

1:15:51

maybe you can just give us an update on

1:15:54

the protective provision status with Northern gas.

1:16:01

Reg 20, for the applicant. So the position with Northern gas is that, of course, there are the general protective provisions for them in part one of schedule 15. But also, there's bespoke protect provisions which are being negotiated, and which will include once they've reached an agreed form. And the statement of common ground, which was submitted, deadline five, summarizes the key points of disagreement which we're trying to deal with. The first one is similar to natural gas in terms of the level of indemnity

1:16:36

given what we say the the risks and the potential impacts of the project on

1:16:43

national, northern gas networks, infrastructure, and then the second point is about

1:16:51

timeframes for giving notice of works. And in essence, that's the point about Northern gas networks, normal timescales versus what we say is necessary and appropriate for this project, given the urgency and the fact that we want to be able to start the works as soon as possible after development consent is obtained.

1:17:22

So,

1:17:23

again, can we ask you to give us that deadline six the details of the differences. And I'm really so that we've got something that we could put to the secretary of state

1:17:39

based on either the applicants point or Northern gas has pointed and, and as with North national gas transmission, then we'll be asking northern gas as an action from this hearing, and the case team will be contacting them as well in terms of both the 127138

1:18:01

case response and in terms of detail of the disputes, disputed wordings in the protective provisions.

1:18:10

I presuming no one else has got any points to make on

1:18:15

protective provisions with Northern gas so we can move on to Network Rail now.

1:18:23

Again, I don't think we need to go through the detail, Mr. Turney. But I think the just the types of work that you you've helpfully explained for the first two that would just be useful to know for to have set out for Network Rail.

1:18:46

To be honest, can do this there is

1:18:50

I'll just give a quick summary. So in essence, we've got one new crossing of the of the railway, one crossing to be dismantled and removed which the CP line and then we have three crossings of the existing railway, one of which is disused on the XE of red line. All of those are to be managed by scaffold and we're crossing that so the interactions are purely down to the scaffolding.

1:19:14

Thank you.

1:19:15

Um,

1:19:19

so in terms of Network Rail, providing comments on the specifics of the applicants, section 127138 case, then their

1:19:29

deadline five rep did they that they would do that? So we are anticipating that that will come from Network Rail, so that will be useful? I think we'll probably just remind them as that's from the notes from this hearing. And then again, in terms of the detailed

1:19:46

wording for areas of dispute, we'll be asking them and likewise, we're asking for the applicant to provide us with that. Is that also possible?

1:20:00

Yes, that's fine from the applicants perspective

1:20:08

can you just give us the feel for the way the discussions are progressing with Network Rail?

1:20:28

Elizabeth time's the applicant.

1:20:31

We've we've had been making steady progress but reached similar historic points of impasse

1:20:39

which which may cause an impediment to reaching a final agreement. So I think, yeah, deadline six will we'll be submitting because the relative positions.

1:20:48

Okay, thank you very much.

1:20:53

I'm funny, I think there's a framework agreement referred to in the Search for Common Ground.

1:21:01

Is that, like the previous one, also, based on the question of indemnities.

1:21:08

Elizabeth turns to the applicant, I compared her in her to

1:21:12

simulate similar issues that parallel the peepees issues, it will be difficult to progress without further agreement on the protective provisions. Thank you.

1:21:27

Mr. Attorney,

1:21:29

maybe we can just have an update on discussions regarding Network Rail seeking have a right to terminate rights within six months by giving six months notice, or maybe that's Miss tones as well.

1:21:54

terney for the for the applicant. So that that has been one of the points of

1:22:01

difference between us. The network rail's position, as we understand it, is that they say that their ability to terminate

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is a point that they don't want to negotiate on. And from our perspective, it's not an acceptable proposition to require us to remove our apparatus.

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So it's a point of difference it's going to is one of the things that's going to the heart of the disagreement.

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But it's, it's, again, something that we're trying to narrow the difference on.

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But

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whether or not that's resolved during the course examination, we can't at the moment say

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thank you.

1:22:48

Is there anything else that you it would be helpful for you to share with us today without Network Rail present?

1:22:58

Representatives, the applicant? I think the

1:23:02

the other point is, as with the GATT undertakings, there's an issue about indemnities.

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And,

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in essence, what we're trying to work through these these sort of points of principle,

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with Network Rail, looking at what's been agreed elsewhere, and nonetheless, maintaining that, obviously, in the absence of agreement, we have a combination of the order powers plus protect provisions in the order to ensure that the words can be carried out with it without any material impact on the on the railway undertakings. So that's the approach we're taking.

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As I say, we hoped we might be able to reach a more

1:23:48

extensive agreement. But if we can't, then the request will be to have the order powers subject to protect provisions.

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Thank you. Maybe the three examples that then

1:24:01

national gas transmission suggested will be helpful in the Network Rail discussions as well.

1:24:11

So unless anybody else has any points on the protective provisions, and I can't see anything, I'm going to suggest that we break now for an afternoon break, and then we'll move on to human rights agenda item seven after the break.

1:24:30

Okay, so we will break now until 345. And we will resume then on to item seven. Thanks very much, everyone. Thank you.