

TRANSCRIPT_YORKSHIREGREEN_CAH2_SESSION4_18072023 (1080P)

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00:48

Good afternoon, everybody. And welcome back. The hearing is now resumed. When we broke, we've just finished item six. And so now we're going to start on item seven, and I'll pass to miss Coombs.

01:00

I miss Paris, I think we might just go back to item six, very briefly. So, Mr. Tony, we've just been reflecting during the break on what's going to be most useful to us in terms of the protective provisions and the wording. And it's only really going to enable us to make a recommendation to the Secretary of State, if there's commentary based on one baseline set of protective provisions. So if we get your comments on somebody else's protected revisions and their comments on yours, then that's not really going to get us to where we need to be. So I don't know whether you've been in this situation before. But our feeling is that really we should be asking all parties to work on the applicants as the baseline, though, that we've got a true understanding of where the differences are and how they could be resolved or how different parties think they could be resolved. But any experience you've got from previous cases that you might want to share with us, we'd be grateful for that

02:12

rich attorney for the applicant. It's a bit hit and miss in previous cases. And I think it varies even within cases as to how present provisions emerge, to be frank. But for our party, I think we endorse your suggestion we have tried to include particularly protective provisions where they've been requested and have done drafting, some of which has reflected exchanges with the with the statue, Undertaker concerned to date already. So certainly our view is that the sensible thing would be to ask now for suggestions to be made for changes to our drafting. And that's, first of all will be easy for you. But secondly, is probably going to expedite resolution is going to be possible it's going to be by not just sitting on competing drafts, but by trying to find the middle ground. So we'd certainly endorse that. And I know that in other instances, other examining authorities have found it helpful to have those comments on the applicants protective provisions.

03:26

They we will ask for that in terms of the actions that we're going to ask for all those parties that aren't present. I don't Is Mr. Bellingham still here? No, possibly not. But Mr. Bellinger will be here tomorrow. So we can just let him know that that's what we'll be saying. And we may even have published our actions by then I'm not sure. Okay, so if we move on to agenda item seven, which is human rights. You have Mr. Tony, thank you the the you brought together from an action point action points 17. From the previous compulsory acquisition, the responses that have been made and returns of articles, eight and

six and human rights, and that was helpful. So thank you for that. And we have Spencer in the agenda item obviously mentioned, we might discuss the question further the degree of importance that has been given to existing farming REITs. But I think we've covered that really in a fair amount of detail earlier today with regard to farming matters on particular land holdings, and we've also sought views from those agents that were present on the description of the role of the agricultural liaison officer on which a lot of the mitigation lies so we'll look forward to hearing or seeing those aspects. And we note from what's been submitted that that would be for construction and five years maintenance, because we think we asked about that last time. And I don't think there's going to be anybody on the call who will want to make a point of, you know, a comment on that at this stage No.

05:28

So I just want question on it on that though, Mr. Attorney, we appreciate that this is the contractors appointment. But in your in the applicants view, would it be one person or might it need to be more than one person at certain times of the construction period, if there were activities going on sort of maybe at different ends of the line?

05:57

Reg attorney for the applicant, yes. It could be more than one person, it's a description of a role, which may, at certain times take more than one person. And other times might might be less than one person, potentially. But it's a roll and it could be split across different individuals. But obviously, the the sort of fundamental elements of the job description would remain the same whether it was being conducted by one person or by multiple people at a particular point in the process.

06:30

So I think we understood that from the way it's written, but I just maybe you could just reflect on the wording as to whether there might be something that in it, but just makes that clear. That's it, it's you know, very much is the role and not the person. It's not a it's not a big point, but I think it would be helpful.

06:57

Are there any further points on this point? No. So if we move on now to sorry. Yeah. So we're now on the weighing of any potential infringement of ECHR rights against the potential public benefits. So we touched on the point about permanent rights. I easements overweigh leaves at the last compulsory acquisition hearing, and we've received your update on this. So I know Mr. Stevenson had us on that last time. And we weren't just going to check if any affected persons or their representatives wish to make any further points about this. But I there's not going to be anybody here I think who will wish to do that. So I think we'll just move on from that in particular, but we noticed that there was an outstanding point on easements with Network Rail so I wonder if you could just elaborate on that Mr. Turney.

08:22

Rigid tourney fit for the applicant, I think it it comes down essentially to the the same issues that are holding up the wider agreement with Network Rail. So in essence, the question is whether we need those compulsory powers over the railway, or whether the matters can be dealt with by agreement. But obviously, given that there's an absence of agreement, generally, with Network Rail, on what we're

doing and the terms of what we're doing the provision of indemnities the Termination provisions. We maintain that we need those powers for all the reasons we've said for Network Rail, but also for all the reasons we said generally in terms of having an easement. So that remains our position. Whether we could in any given case, step down to a lesser contractual right, would depend on all the terms that it was subjected to. And that's certainly the case for Network Rail that we at the moment, unless we can agree all the terms we'll have to rely on the on the order powers to to do what we need to do with with the crossing over the network rail lines.

09:42

Thank you. So unless anybody else has got anything under agenda item seven, we'll move on to eight which is consideration of duties under the Equality Act. And we did invite Mr. Carruthers, but we Haven't heard from him. So I don't know. Have you had any further contact? Or has the applicant had any further contact with the traveller community since the last point in your recent update?

10:16

Yes, sir, in on behalf of the applicant? Yeah, we've had the email correspondence back and forth with Mr. Carruthers and actually phone conversation. So on the 12th, we can update the mitigation of it, and next submission as well. But yeah, on the 12th of July, we requested further the additional landowners, which was mentioned in our last hearing. And additionally, we send to the submissions for the DCO changes. So he's got a link to exactly what that documentation was. So track change document on a couple of days ago.

10:54

So those will be on the next update. Yep. Yep. Thank you. Thanks. Mr. Tony, we just want to pick up a couple of points on the new requirements, which I'm this is just the sort of, you know, advance of what we'll discuss in more detail tomorrow. So just in the context of public sector equality duty. So the first is in connection with the the limitations in terms of reading and writing that we heard about of some of the travelers. So we heard about that from previously from Mr. Carruthers. And so we're just wondering if the the wording with regards to communication, and communication with the travel community should just reflect not using that specific characteristic, but just reflect somehow that communication would be taken, undertaken in a way which allows the traveler community access, or I'm not trying to draft it for you. But just, we feel that that was something that we heard from Mr. Carruthers and presents. A written notice could still be put on a gate. And it would be good to have something that ensured that the those those characteristics were recognized. So I maybe just to reflect on that overnight, and we'll come back to it tomorrow. And then also, we just wondered whether the traveller community via Mr. Carruthers or whoever should be consulted on the site specific Mitigation Scheme. So I'm, at the moment, that's the approval by the local authority, so it's prepared by the act that will be read by the contractor or Undertaker? And, you know, they will know, that's fine. So well, and they will have probably better understanding about what would work and what wouldn't, then anyone, so we're just asking you to reflect overnight as to whether some kind of consultation with them would be appropriate to add to that requirement.

13:18

I'm sending to the applicant, we will take both those points, but we can certainly see the sense in them. So we'll we'll see if there's some wording we can propose.

13:25

Thank you. And Mr. Reynolds, North Yorkshire counsel. I just wondered if there's a threshold for you here. I am I

13:43

we were just reflecting Mr. Reynolds, that you've sat through all of this. Anyway, there is a question for you. We just really wanted to reflect whether there's any points that you wish to make in this regard in the context of North Yorkshire councils, duties under pacd. And, you know, whether the in terms of the wording of requirement 19, then, again, if you could reflect on last overnight, and we can again, pick up any comments that you might have tomorrow, just to ensure that, you know, in our recommendation to the Secretary of State where ensuring that their duties are covered, but there's also a obviously a public sector equality duty on the part of the council. So I don't know whether you want to say anything now in terms of response to that or whether a more detailed discussion of requirement 19 tomorrow might be the best way to approach it.

14:47

I think if we can pick it up tomorrow at the DCO hearing, I'll take a pointer. Come back on specifically.

14:54

Okay, thank you. I don't have anything more on public sector equality. So I think we can move on to

15:08

agenda item nine, which is funding. And Mr. Turney, we appreciate the points you made at the last hearing regarding any change of status, the funding not affecting the certainty. So is there anything is there any update in terms of the pivot from large offshore transmission investment to accelerated transmission investment?

15:35

Rich attorney for the applicant? I think, broadly speaking, the answer is nothing more than we said previously. So, as I explained the the general regulatory framework remains unchanged, the general way in which the project is funded, remains unchanged. The difference is really about the acceleration of that route funding. As the Asti acronyms Jess accelerated strategic transmission investment. So this project falls within that accelerated process because of its recognized importance. And effectively, although we haven't gone through another one of those gateways of decision making in terms of funding. The fact that we are on this, this accelerated route, we say should give the examining authority more confidence as to the reasonable prospect of funding, which of course, is the test that you'll be concerned with. And we have identified already, I think that we will update the funding statement, but we're going to wait until deadline seven to do so. But I think, in essence, the the funding position itself, the underlying funding position, the reasonable prospects case is really the same one, as we've said throughout, we really just say that the recognition of the importance of this project, its strategic

importance, and the need to accelerate its delivery, is gives you more reassurance as to the prospects of that funding coming forward than you than you would have done.

17:08

Thank you. And I don't suppose anyone else has any points to make on funding. So before I hand over to Mr. Jones, I'll just say a little bit about next steps. And in the interest of being able to prepare a recommendation for the Secretary of State, which does not require further consultation, we're obviously keen to have matters relating to CA and TP resolved as far as possible, ideally, completely. It feels like there's quite a lot of work to do, and deadlines six, which is when this, we need this information is only at the end of next week, Friday, the 20th of July. And whilst we recognize that some parties are other hearings, potentially for much of this week, we then really urge parties where there are outstanding matters to progress these as quickly as possible. And as a reminder, we'll be issuing our commentary on the DCO DCO on the 16th of August, based on what we've received at deadlines six. Mr. Tony, is there anything else go? I'm going to hand over to Mr. Jones now to just review the actions if there's anything else that you wanted to raise at this point.

18:22

Could I just raise one point, which was that we had some discussion earlier, and you have heard from Mr. Marlboro about the socio economic assessment and how farm interests have been dealt with? I think we had anticipated in discussions with the case officer that that issue would be resolved today and not held over for tomorrow so that we can release Mr. macabre. So I just wanted to check that you had heard what you needed to from him. Obviously, we can pick up points tomorrow, should they arise. But I just really want to check that you were satisfied that you've heard what you needed to from from him as the as the expert on socio economic matters for the Yes.

19:03

I'm going to ask Mr. Jones to answer that.

19:06

I think yes. From my point of view, Mr. Attorney, I think I've had all I need to on that. Which is why we asked it today, even though it didn't it probably fit, you know, fitted better with tomorrow. But we thought we'd get it out of the way today for that reason.

19:20

Thank you. I'm very grateful. So I'll tell him a smile. He doesn't need to attend tomorrow. But obviously if there are questions that come out, we can we can deal with them offline.

19:29

Again, thank you for raising that. I think we would just obviously we have the attendees list. And so we were very aware that Mr. Watson couldn't attend either this afternoon or tomorrow. And there were other parties who couldn't attend tomorrow. So we just wanted to make sure that we were able to hear from them. Thank you, Mr. Jones. I can hand over to you for agenda item 10. Now,

19:54

thank you, Miss Coombs. Item 10 is a checkpoint for us to review actions and issues arising from the discard She today, I have been taken a note of the action points as as we've gone through today's hearing, I've got a 17 at the moment, although of course, that might change subject to our discussions afterwards. Amongst the XA. In the interest of time, I won't go through all of 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, aiming for that to be later on this week. And as we've mentioned, during this CH compulsory acquisition hearing, there will be some points on the draft DCO, which have arisen today, which will be the subject of discussion tomorrow, and possibly Thursday dependent if we go on that long at issue specific hearing for written summaries of submissions for all really today from all parties are requested by deadlines six, which is Friday, the 28th of July, I went no pass back to miss powers for the last two items on our agenda.

21:03

Thank you, Mr. Jones. And I can also say that the national gas transmission statement is now up on our website. So that's some speedy work, thanks to the case team getting that up there. So that's useful. So yes, we're on to any other business, which is item 11. And this is just an opportunity to mop up any outstanding matters that need to be covered today, although I'm mindful that we are now in dwindling figures at this time of the day. And then I think it's just now a couple of the interested parties still hanging on. So I'm not sure we're going to get anybody but I will I will give you the opportunity. We don't have anything else who wants to raise here, but I will just check whether any of the parties present have any final matters they wish to raise in relation to compulsory acquisition and temporary possession matters. Nope. Okay. It's as 022 just to help you with the national gas transmission reference number as well. Okay, in that case, I'll thank everybody who's joined us in the room and thank you to everybody for their flexibility in shifting around the agenda a bit today to make sure we accommodated everybody and it's been extremely helpful for us to have that to make use of the various people whilst we've had them. So that's been very helpful. We will see those of you who are joining us that issue specific hearing for tomorrow morning starting at 10 with the arrangements conference from 930. Okay, so the time is now six minutes past four and compulsory acquisition hearing to is now closed. Thank you