

# TRANSCRIPT\_YORKSHIREGREEN\_ISH4\_SESSION3\_19072023

Wed, Jul 19, 2023 4:22PM • 1:30:31

00:07

Good afternoon, everybody and welcome back. This issue specific hearing for is now resumed. Before we move into item four of our agenda, I will just mention a couple of things by way of update so the Yorkshire Wildlife Trust response to examining authorities questions two is now published on our website and will be examination library reference as zero to three. And the action points from yesterday's compulsory acquisition hearing two are now published on the website as well. And their reference is should be ev 0085 when they appear in the examination library. So just it helps to know that those documents are now published and available to view.

00:51

Okay, so we're going to move into item four now, which is the draft DCO. And I will just notice the revision D of the applicants draft DCO that we'll be discussing today, we'll be looking, we'll be working through the track change version, which is rep 5005.

01:06

And revision D of the explanatory memorandum, which is rep 5007. And we have in our agenda, just an invitation to the applicant to make any preliminary comments, we don't need you to explain the changes that you've made in detail at this stage. But we did just want to provide an opportunity for the applicant to make any preliminary comments regarding the revisions made at deadline five, or to highlight any notable amendments. Mr. Tony, would you like to mention anything now? Richard, if the applicant, I think will probably pick them up as we go along. But I just wanted to know that

01:42

we have dealt with various issues that have been discussed already in examination. So certification of the environmental statement is picked up.

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And we've done various bits of tidying up but also picked up a few other issues around in particular, the landscaping requirements that would have been revisited, as we previously discussed.

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In essence, in terms of the main body of the articles, there's there's not a huge amount of change the requirements, the focus really is on those landscaping ones. And then, as we discussed yesterday, there's there's the updates in terms of protective provisions.

02:24

New and new requirement 19, I suppose is the other one that we've discussed at our last round of hearings.

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Thank you. And so I would just say at this point, so we're, we are now nearly four months into our examination, which must last no longer than six months. So we have already held to DCO hearings. And we've had two rounds of written questions, as you say, we have seen some incremental changes of the DCA over that period. And it's encouraging to see that a deadline five, some more of those matters have been addressed.

02:53

So our focus today is on provisions that are where there are outstanding objections still from interested parties or where there's live discussions still on matters of drafting. So for those provisions, we want to understand the respective positions of the parties and the prospects of agreement being reached before the examination closes. And as everybody should know, the examination, once it closes, there's no scope for us to see any further submissions or material from the parties. So we can only make our recommendation on the basis of material and information that was submitted during the examination.

03:26

We've already mentioned that we have an opportunity to issue our commentary on the draft DCO, around the 16th of August. And where there are provisions where agreements outstanding, our commentary may include our our without prejudice view on preferred drafting. And then everybody would be able to comment on that by deadline seven, and we'd be able to take comments into account in making our recommendations.

03:51

To this end, we'd like to ask the applicant to to do something as we work through today, which would be to produce a very simple table for submission at deadlines six, if you can, which essentially lists each DCO provision for which there's an outstanding objection or live discussion, and then records the party who's objecting. And the specific mattering contention or that person that Party's position, that Party's position or preferred wording where it's available, and then records the applicants response to that objection. So we've kind of see this as a simple table with three main columns, just to pick out and keep now a running list of those matters where there's an outstanding objection. And the idea is that if the applicant could submit that at deadline six that would assist us in working on our commentary for the draft DCO and indeed, in our recommendations. So we will, of course, be keeping our own records, but we'd that kind of table would greatly assist us. Mr. Turney, would the applicant be content to do that?

04:53

Rich soundly for that period? Yes. We'll we'll do that. Thank you very much.

04:57

And that will be for submission and deadlines. Six

05:00

Okay, I'm gonna suggest we just start by running through. And as we have done before, we will go in order. And if anybody wishes to raise anything on any provision as we pass through, then please raise a hand or switch your camera on, and we will come come to you in order. So firstly,

05:18

we're looking at Article Two. And

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that's the interpretation. We've got a couple of changes in there that we note, which is one to reflect the fact that the environmental statement is now included in the list of documents to be certified at article 48,

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which is something we asked for and very grateful to see in there. I don't think there's any other changes. In the earliest around temporary construction compact. Yeah, we discussed the temporary construction works and the definition of compounds or works, I can see that there's been a an amendment to that. And that reflects commentary in the applicants response to our ish three action points.

06:01

I don't have anything on Article three, or four.

06:06

But I would note that on Article Five, there was a discussion last time about I think it was action point eight, about whether Article Five should be amended to reflect the fact that the vertical limits of deviation only apply to new pylons.

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And I can see that the remedy for that has been by not not amending the article itself, but by amending the explanatory memorandum. Mr. Turney, would you like to say anything on that?

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Register and if the applicant, I think it is that that we have made clear in the in the EM

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how the LEDs work for pylons, which are not being

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which are not new pylons, and they're only been worked on for the purposes of refactoring, etc? So

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I hate that sufficient? We think it is. Thank you. I mean, that was that was the matter raised by us rather than many of the interested parties. And I think from my reading that, that makes sense.

07:07

Okay, I have nothing on articles six, or seven, or eight,

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or nine or 10.

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But 11, which is streetworks, I can see that there's been a couple of tweaks, and in particular, that relates to paragraph seven, which this is a new insertion on a number of the articles were which we discussed last time, which was about including a statement on the face of any,

07:41

any application under these provisions so that people knew basically the what they were dealing with, and therefore when deemed consent provisions apply. They know that they're up against a particular timescale to determine an application. So that's one that's been added in a paragraph seven. This is one that has been subject to ongoing disagreement with national highways. I don't know whether Mr. Bellingham has been able to join us. Now. Mr. Bellingham, would you like to make any submissions in respect of article 11?

08:10

And just to say, thank you for the the amendments to paragraph three, in terms of making sure that any deemed consent

08:20

flows from the receipt of the information. National Highways hasn't changed its view with regards to deemed consent. I don't propose reiterating what we've discussed previously, previously, before. Obviously, when we had the previous hearing, there was no protective provisions for national highways benefit, which exacerbated our concerns. There are now albeit not the ones that we want, but at least there are some so that does address a number of the concerns we had with with the streetworks articles. So that's, that is helpful. It doesn't go 100% of the way, but it certainly moves as moves us forward.

08:50

We, obviously there's protective provisions, which I presume you're going to discuss later. We have arranged a meeting with the applicant on Thursday. Well, yeah, later this later this week, to try and iron out any outstanding issues. So hopefully, things will move in the right direction. But yeah, as as we speak. Now, there still are a few issues that we're not happy with the St. Luke's articles.

09:14

Thank you, Mr. Bellingham. And so that meeting, will that cover both the protective provisions and the your issues with any of the articles? They will? Because they're linked? If if, yeah, in simple terms, if our preferred set of protective provisions were accepted, that would be addressing all of the concerns with the artists as well. Okay. Thank you very much. I will we know your points on number of these articles,

st articles. We have discussed some of them a bit, yesterday, and if you want to come in on each one, just raise your hand. Otherwise, I won't call you into each one for you to say the same thing unless you've got something else you'd like to add. Is that okay? That's fine. Yeah. I wasn't proposing to reiterate what's what's that just to say that, you know, those objections still stand until until they've addressed and we can proceed confirm that position when we put in our written submission as well.

10:00

Thank you. Thank you very much

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any response from the applicant on on any of that?

10:09

Rich 20 for the applicant, just to know that we think that's a matter for the protective provision. So within the article, we should be now they're on the articles in terms of national highways, but obviously,

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the protective provisions provide them with the reassurance about deemed contents and so on. So that's where our focus will be. But we've noted Mr. Belding was points. Thank you.

10:34

And then we are on to article 12, application of the nice 91 act. We note this outstanding disagreement, but that's again, like article 11. It may disappear if the protective provisions can be agreed. And equally with article 13, with article 13, which is the power to alter layout, etc, of streets.

10:56

This was an action point from issue specific hearing three, I think it was action point 14. And I know we've had confirmation from the applicant, that they believe that in North Yorkshire Council, we're now satisfied, this is no longer an area of concern. This relates to the

11:14

works. I'm trying to find the actual wording.

11:18

It's about the 14 within or adjacent to the otter limits that wording. So I don't know whether Mr. Reynolds, you can confirm the position that the applicants reported at D five that you no longer have a concern with the wording of that within or adjacent to audit or the limits. Part of article 13.

11:39

Confirm that, and we'll put that in writing.

11:43

Here we go. Sorry, withdraw any objection to that we've started that issue. Excellent.

11:50

Thank you very much.

11:56

Okay, now, again, we note in article 13, the change from the application being made the applicant notification being received. And that's about again, when does that 28 Day trigger is when does it started. So that was a point we discussed last time, which all looks fine to us. Then article 14, the Temperance dialing up of streets.

12:19

I don't have anything on my list for that, or for 15 or for 16. Although I note that again, we've had paragraph three added in that 16, which is the game the point about having a statement on the face of any application to show that's what it is, and that the deemed consent petition provisions kicking off 28 days.

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Article 17

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and 18.

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We don't have anything.

12:48

But on 19.

12:51

We note the amendments to article 19, which is discharge of water, we will just stop there for a moment.

12:57

So we've got the addition of paragraph 11, which, again, is about the statement that that's an application of fat salt on the face of it. And then paragraph 12, which seeks to amend section 66 of the land drainage act 1991.

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By adding the deemed consent provisions in respect of the internal drainage boards, and also adding a provision that no concern is required under the land drainage act if it required if it relates solely to oversell of and overhead electric line that meets the minimum safety clearances. Now, this is a matter that has already been picked up this morning to some extent when we were talking about hydrology effects. But our general understanding is that adding these provisions removes the need for the application of the internal drainage board bylaws under Article 52 that we can see are no longer in schedule. 16 Mr. Turney, could you just confirm that, please? Richard turn if the applicant? Yes, that's

right. So it's a more direct override of the need for consent. So we don't need to supply the bylaws as well. And is that with the agreement of all of the IDPs?

14:07

No.

14:11

Sorry, yeah. In principle reached out to the applicant in principle, yes. But I think the issue is the one we discussed this morning. Yeah, the HD issue. So that's the outstanding point. I see. Mr. Andrews has come on. Mr. And Tim, as you'd like to add anything. Yes. Hello, Steve Anderson, the applicant? Yeah, just to confirm that in principle, this approach is confirmed with the exception of St. Interval drainage boards continuing concerns about overhead line clearances above their maintain watercourses.

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And how do you see that issue being resolved with ASD in particular?

14:49

Well, we were committed to further discussion with HDX and attempt to reach a suitable compromise in principle as Mr. Fowler set out this morning.

15:00

And we are providing through the design clearances above their water courses, which are actually an improvement on existing in virtually all of the works in HDS area are either re conducting or have existing lines or replacement that we have with new pylons, which are very close to existing pylon locations.

15:26

I think that there's just some further dialogue to be had, in terms of reconciling the standards that national groups are working to with the internal drainage Board's own internal safety guidelines. I don't know whether Mr. Fowler wants to come in and say anything further about that.

15:48

Steve, foreign entrepreneur, I don't think so. I think you've covered everything with that point.

15:53

Thank you. And obviously, we don't have main CIDB here today, but we will. Well, they will, they will be obviously invited to respond to the revised wording by deadline six in any event, but we may, they will include that on our action list as well, just for them to come back on.

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What's in there in article 19?

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With national highways like to come in here at all, do you still have you do as an if there's been any change to your concerns on this one? We had action points 16 from our ish three, list of actions.

16:29

Apologies, I was slightly distracted trying to find something then we talk about article 19. Article 19. And in our previous action point,

16:38

referred to concerns about drainage and the strategic road network. I didn't know that this might have been one that you're out or you have been able to move forward on.

16:46

We have in part, I don't think it will be controversial anymore. The applicants responses that they feel it's dealt with by the protective provisions.

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I'm not convinced, I think there might be a bit of ambiguity there. But if we're if the applicants amenable to us amending the Prudential greens to remove that ambiguity, then obviously, that would go away. Having said that,

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if that's not possible, then the most straightforward thing to do from from our perspective would be to remove highway drainage or at least the strategic road network drainage from from article 19, and therefore it wouldn't be an issue at all. Okay.

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I think that we discussed that last time. Mr. Toney, would you like to come back on that point?

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Richard to any for the applicant. Again, I think it really is for settling the protective provisions.

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Obviously, the issue about this charge Porter is a much broader one than any interest relating to national highways. So

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I think what we'd look to do in the normal scheme of things is to have these provisions on their face broad and where they need to be narrowed down for particular statutory undertakers, that's reflected in protective provisions rather than on the face of the articles.

18:03

Thank you. And it sounded like that was probably Mr. Williams preferred option, too, is if those provisions can be agreed. Okay, we'll move on, then. We have nothing on 20 or 21.



18:16

And then we would move into the park five, which is powers of execute of acquisition.

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Articles 2220 320-425-2627 28. I don't think there's any there haven't been any revisions to any of those.

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All the way up to the end of that part, which is takes us to article 33. So unless anyone's indicating a desire to come in on any of those

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or carry on.

18:49

There have been some tweaks under Article to Article 33.

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Which is to look like it's to correct a reference that was to Black Cat, that cat project. It's actually a typo. Mr. Turney?

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Yes, apologies. Yes. Okay.

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And then article 3435.

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And then we're into

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3637 3839. Again, I'm not going to keep going back to national highways. We know that there are issues with these articles that and again, I think they are ones that may go away if the protection provisions are agreed.

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To check with my colleagues don't have anything you want to pick up on those points. No.

19:46

All right, we'll keep going then.

19:48

Article 4041 4243 4444.

20:00

I traffic regulation again noting a national highways outstanding concern

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46 I just had a quick one on 46. It's not actually relating to a change, but it was just a point on further reading. So 40 article 46, paragraphs seven B.

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So the powers, the powers under this article for The Undertaker to vary, undertake various works, felling unlocking trees is subject to consultation with the relevant planning authority. I just didn't know whether it's entirely clear what consultation for that purpose involves because it's not an approval. So I didn't know whether that needs to be more specific in terms of for example, if if they if they thought he was consulted, but didn't agree, is there is there anything to prevent the work from carrying on anyway, Mr. Turney?

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Originally for the applicant, I think I'll have to take that one away.

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In terms of the detail of, of what could be done if the if the authority didn't agree.

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It me mean, there's a number of instances where there's provision to consult with the authorities. But

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I think I think your question is, well, what if they, what if they weren't happy with the proposal?

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So we will, we'll answer that, I think in our post hearing submission, thank you.

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And then

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47, which just gives effect to schedule 415. And then we've got article 48, where we now have the environmental statement included in that list. And environmental statement includes the errata and agenda that are submitted during the examination, which we welcome and hopefully gives the local authorities and any other discharging authorities

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with relevant documents in one place for that for that discharge activity.

22:02

Any other points in article 48? Anyone?

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will keep going? Nothing on 49.

22:11

D, a quick one on 51. Just to note, so this is removal of human remains.

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Just to note that the or the question to the applicant, whether they're already known burial grounds within the order limits, I mean, we know there's some registered battlefields but

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do you happen to know off the top of your head? The reason I'm asking is because

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the Secretary of State removed this kind of this equivalent article from the longfield solar bomb DCO recently, because there wasn't any known burial grounds there, and it was deemed to be necessary to have that because the written scheme of investigation already covered those provisions. And having looked at the archaeological return scheme of investigation in this case, there are also provisions for this, you know, the scenario. So again, it's a question you might want to take away. But is this still a necessary article if there is given an investigation or covers those matters? Having seen what the Secretary of State's just done on longfield?

23:13

Richardson, if the applicant will consider that reasoning on long field, but in answer to your first question, there aren't any known burial grounds. But as you've noted, we're crossing

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an area of well, there's a series of battlefields close in proximity to the scheme, as you'll be aware.

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And so that's the sort of issue but but you're right to know that the return is given for investigation, made some extent duplicate that put that protection.

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But we'll consider the the reasoning in longfield, I think this is

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this is a fairly standard provision in developing consent orders. I don't know if that Secretary of State or other secretaries of state have also removed these provisions or whether the long built decision suggests a change of a change of direction on this point. But we'll we'll look at that and put something in a deadline seeks to explain whether we want to maintain it or whether we're also able to follow that approach. Thank you. I haven't looked at things like Hornsey fours or directly which has come out

subsequent to longfield to see whether it's a pattern or whether it's just, it's just a matter that is worth and it may be that there's reasons to keep in here, given the back of the battlefields. Okay.

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We'll cut so then article 52, which is about amendment of local legislation, we'll come to shedule 16 In due course, which

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relates to the DIS application of legislation, and then we have nothing on 53 and indeed on 54, although maybe we should just ask now, if the canal rivers Trust, which is like to come in, but our understanding here is that everything on Article 54 is agreed on the basis that of the agreed protected provisions, but you're here Mr. Tucker. So let's hear it from you. Thank you and so that's it. Yes, Simon so good for him. Can I remember just a

25:00

Um, that's correct that that is our position. I mean, obviously, article 54 does provide power to the applicant close deliveries, which potentially, you know, as we've mentioned previously, could potentially cause issues for the trust. But we are satisfied the protective provisions provide enough protection to enable us to carry out our functions navigation authority.

25:22

Fantastic, thank you. I don't think we need any more. Don't feel you need any more from it's very helpful to have your confirmation and we were pleased to see that they will have agreement had been reached. So

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Mr. Turney, do you have anything you'd like to come back on there? No, thank you. Okay, then we will move straight on into shedule. One. There's only a couple of pieces of bits in here we have. We've already looked at this in some detail about previous hearings. The first was about work number UAT.

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Because obviously, we've heard yesterday now that ca powers are no longer being sought in respect of work and MBU eight, which is welcomed, just as your one still authorizes the works. I think we heard from yesterday that you don't plan to make changes to schedule one. But perhaps Mr. Tony, you could give us an update on your proposals for shedule. One.

26:15

Richard 20 for the applicant, yes, we're not proposing to change the works powers in respect of work UAT. I think one point that I'd make generally, and just just for context is obviously, the undergrounding works are things that were able to get on with early without the order powers because of the existing powers of the, of the DNase of the the operators of those, those networks. And

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as a result, over the course of the coming months between now and the decision by the Secretary of State, there may be further undergrounding completed.

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And, essentially, we are taking the view that we should

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maintain the powers in the instance of UAT, where we know that those works have been completed. And we can give that confirmation now. We think maintaining the powers but removing any ca powers so that there's no case to justify in terms of having the the CA powers is the appropriate balance to strike.

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But I think our proposal is that we leave the undergrounding powers otherwise as as they are including in respect of UAT.

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Sorry, we will let you remembered the description there which I think was the kind of interim step wasn't it? Where you were before the the decision to take that the remove the CIA powers altogether? I suppose. I'm still slightly wondering why we why we have you eight in there at all, as an authorized worker, as if you know for sure it's been completed.

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Well, registering for the app, and we can consider that again. But essentially, we've already

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explained more generally that with these works, obviously, we need to make sure that the equipment sounds the way. But you're right there's in this case, we have we have seen that it is out of the way the works have been completed so that we can be satisfied that we don't need the powers for land rights. So we can revisit that. But essentially, we we were generally speaking, we're keen not to have rolling amendments to the to the work schedule, in circumstances where we are trying to get on with

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carrying out some undergrounding where it's possible to do so in advance of the making of any development consent order, through agreement with the existing network operator, and obviously their powers or their agreements with other landowners. So

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I take the point that if we're if we're willing to say that we don't need land powers here, then why do we need work powers? But generally speaking, I think we don't want to reopen sheduled one works at this stage in the proposals, but we'll we'll put in a submission that deadline six on that and consider the issue again. Thank you. And just so that we understand if if we were to suggest that that you ate was taken out when we look at our commentary on the DCO, would there be any other consequential implications of that? I mean, obviously, we wouldn't try and renumber any of the other undergrounding

works, for example, we would leave that it would just be a case of us not being used, but but then we wouldn't want any unintended consequences. So again, maybe it DCX you could you could include

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any submissions on that.

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Rich South Applicant at the moment. No, I don't think so. I think re numbering and redrawing plans.

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We're getting to a point where we're running out of time to do that within deadlines, but

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we'll if we can, if on broader conversation, we think there are any wider issues from that. We'll, we'll identify those deadlines six.

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Thank you very much.

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Okay, take

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the only other thing in schedule, one that we just wanted to cover was, and it's not even.

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It was just a note, again, the submissions that we had yesterday from Mr. Bellingham about

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his

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discomfort with the powers under the sort of the final big one, which is the associated other associated development and whether there was a way to carve out

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national highways, assets from that in this, that is all in the scenario that other other protective provisions don't cover the concerns, so I'm not going to reopen that one again. So we've heard that, but um, it was just to have that one still on the table as a backup, I suppose or one other way of tackling a problem. Mr. Bellingham, did you want to come in on that, or?

31:18

No, I think it's quite well, that's obviously a big concern for national highway significant concern. But if we can agree on protective provisions, then obviously that concern will go away. But just to I know, you

know, there's rarely but just to re emphasize that. That is why we're insisting we must have our full suite of protective provisions because of those provisions. In schedule one,

31:39

you know, the watered down version that is currently in the draft, DCO just wouldn't cover everything that we would need it to, given the scope of the schedule one powers is currently presented. It may be worth Thank you, it may be that then that d a d six. If you're not able to report, Mr. Turney, that you've reached agreement with national highways, it might be worth just giving us a response to this to that as an alternative proposal.

32:05

Which is only for the applicant.

32:08

Very happy to do that. I think I would just emphasize again, that, you know, national highways, obviously a one of one of several Undertaker's whose land is affected. And the approach that we take in the drafting of these provisions is in common with similar provisions and other orders, which is not to carve out from the works powers, but to protect through protective provisions. So certainly, we're not going to be proposing that we've mentioned national highways or any of the other statutory undertakers on the face of, of those sort of a catch all provisions in the works, which are there, of course, to stop issues about someone raising an impediment to the delivery of the scheme at a later stage, where we haven't saw all the possible permutations of of works that might be required to deliver a scheme of this nature. So

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we'll obviously Mr. Bellingham will be telling us the way in which he considers the protection provisions that we've offered to national highways are inadequate, given the scope of those works, but we certainly that for us will be the focus of the conversation.

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Thank you. That's understood.

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Okay, moving on, then sheduled. Two, which is the plans, we don't have any amendments made at

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deadline five, and I'm not aware of any outstanding

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disagreement on sheduled. Two, so I think we'll move straight through to schedule three, which is requirements.

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And here,

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we do have an addition to requirement one, which is in terms of the definition of the term travelers encampment,

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which is, I think, helpful and relates to the new requirement 19.

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And that just refers by plot number, which I think is perfectly fine.

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We have nothing else and

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one, and we have nothing under two or three. These are things we have discussed at some length before. Same with four and then requirement five, which is the construction management plans. I think the one thing I would pick up under requirement five was yesterday. I think it's action point eight from yesterday, the compulsory acquisition hearing yesterday, we discussed the possibility of inserting some wording into the code of construction practice about a commitment to continuing liaison with Mr. Blacker and Mrs. Blacker senior regarding the micro siting of pylons within the overall limits of deviation. So I don't think this seems the kind of most relevant place to bring that up. And I think the applicant was going to Mr. Tony, we're going to take that one away and give it some thought overnight. So I wonder if you've got any further comments to make on that suggestion now.

34:59

Brigitta

35:00

If the outcome, yes, we're content to make that commitment in respect of pylons, SP 005, and SP 006, that will liaise with the light landowners on the final siting,

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in detail design, and any micro siting that can be accommodated at that stage, obviously within the limits of deviation.

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So we're happy to make that commitment, we are going to look at drafting appropriate wording for the CFC EP,

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which will be included in the event that we are unable to conclude a land agreement in advance of well in within the next stage of the examination.



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If we can deal with it and land agreement promptly, then I think we can do that. Because that would seem to be an obvious place where we could include it. But if not, we'll look for wording in the CSCP.

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And I think that is likely to include some more generalized wording about any engagement with affected landowners, where it is necessary to

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have alterations to locations within limits of deviation.

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So that will be

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a more

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well, a less specific agreement, less specific obligation, but it will be that where we are intending to move within our limits of deviation, we will engage with the affected landowner.

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That would be welcome as well. We did reflect yesterday evening on the thought that if this could be a way forward for the SPS 005 and 006 pylons, whether there would be any merit and also a similar commitment for the Tadcaster West ceiling and compound, where obviously, we had a long debate yesterday about

37:03

the limits of deviation of that ceiling and compound and effects on farming operations in that field.

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It sounds as though that more generalized wording might cover that in any event, but that's I don't know whether it's only in relation to pylons or also to ceiling in compounds.

37:22

I think

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it would be

37:27

potentially be able to consider it in respect to the design of final design of the ceiling and compound. But I think I just found a word of caution on that in respect of TAC as to because we

37:40

we don't wish to sound unhelpful on this, but we have tried to accommodate the move or a movement there. And

37:50

the applicants position is that it's not just the stage of the examination, it's also the we're now going to be hitting a point of having to design finalized the design for that important piece of infrastructure. And effectively, the time to redesign that is going to run out relatively soon as well, like this examination is running out. So I didn't want to get hopes up about being able to otherwise move the compound around. But certainly within discussions about precise fence lines and roads, and so on. That's something which

38:31

obviously, we would contemplate anyway, because as I explained yesterday, it's not in the applicant and dress to do more disturbance to farming operations that needs to because it just ends up having to pay for pay more money.

38:43

Wait and matters that we heard yesterday about things like gaps being left that mean, huge growth and weeds that then need maintenance, etc. It was probably in both interests of national grid and landowners to have those things resolved. And we are really down to that that level of detail. You're talking now in terms of precise fence lines and roads and things like that. And it's just I think it would be helpful to be able to have that liaison at that level of detail when you get down to that final design. So thank you. So on that revision wording, would you be able to do that by deadline six or would it be more of a deadline seven I know the action point from yesterday actually says by deadlines seven generously, but in any event it would be useful to know by deadline six if what you're doing what's

39:33

reached out if the applicant Yes, we can update the CSEP was some proposed wording deadline six.

39:39

Excellent. Thank you

39:48

anything else under requirement five which is the construction management plans? No. And then we're on to requirements six. Again we have discussed the

40:00

He plans to be approved in some detail previous hearings.

40:04

So we don't have anything else. And then we have we come on to requirements seven, we have discussed requirements seven.

40:12

This morning in terms of the potential to insert the provision that has been used at Richboro. And Hinkley. We won't go back over that. But

40:24

I'll just note, obviously, in our last hearing, we talked about changing the definition to start a startup and closed down activities on a note that hasn't been done. And we also note the reasons why that hasn't been done. So we we talked about removing audible.

40:38

And I think that the Atkins response explains adequately the reasons for not doing that.

40:50

Do we need anything? You guys just received that? Can I just come in on construction hours? Just to go back on the exchange we had just before lunch? Yeah, I just wanted to make clear, obviously, we'll put this in writing in response to the action that we took away on distinguishing or explaining Richboro and Hinkley approaches. But

41:13

we wanted to be clear, my client wants to be clear, definitely that the suggestion. If it was suggested that a slippage and decision making wouldn't affect the delivery of the project, then certainly that's not the current position.

41:29

The position as weird understood it was that we were explaining the overall timetable for

41:38

progressing with detailed design and the appointment of a contractor.

41:42

And the answer that we thought we'd given do we hope to give him was that we would be continuing with that process, we'd be going through the process of appointing a contractor, even if there was some slippage and the decision making timetable.

41:58

So effectively, that we would, we wouldn't hold back the process of going through the procurement of the contractors for the scheme, if it became clear that the decision making timetable was going to slip.

42:12

So it is not to say that the project could

42:17

tolerate in its program, a two or three months slippage in decision making, it's that we would be continuing all guns blazing, to progress the project.

42:31

I think the the true position is that certainly as we see the program now that it would be problematic if there was a slippage and decision making. Obviously, that's completely outside your control. And we appreciate that. But I just wanted to give that context will give the precise answer obviously on the effect on program of losing Sunday working in part or in full.

42:53

But I just wanted to make that point clear for the record.

42:56

Thank you. That's very helpful to come in.

43:05

Once Oh, we were Yes, correct. So that seems like a long time ago.

43:09

We were we were having that conversation earlier. This is actually a question for Mr. Reynolds. When we were having that conversation earlier and Mr. Reynolds referred to

43:20

I don't know whether it was some sort of informative or not guidance that the council uses as a general rule of thumb in terms of construction working hours. And I think there was referenced made something not being a policy, but being an informative or guidance of some sort that says, we don't like the construction hours on Sundays and bank holidays. And I just wondered what I don't think we have a copy of that particular document. And I think it would be helpful for us to see it. Mr. Reynolds, am I talking about an actual document that exists that you'd be able to submit into the examination?

43:56

Michael mantle's NYC I don't think that it is I think it is something that has come up in

44:01

the one on one discussions. I'm not sure. I don't think there is a policy in the local plan that specifically says anything about Sunday working hours. I think it's our practice. I think it was Thank you. I think it was

44:15

one of the applicants experts who refer to that being an informative, but it was Mr. Hines who refer Hi, Mr. Hein is there. Is there a particular document you're referring to? Or is it if you're still here with us?

44:28

I don't think Mr. Bridges anything? I don't think he is. But I think I think our understanding is that it's effectively a de facto position from the authorities, and in my experience, not unusual. The expectation is construction hours will not include Sunday working.

44:47

But I think what we're saying is in this case, we have a in principle justification for working on Sundays, and it's whether there's good evidence to restrict that

44:59

but

45:00

And I think, from our perspective, I think we're quite willing to accept that North Yorkshire Council's normal approach and its earlier constituent authorities normal approach would have been that they didn't support Sunday working when they were setting hours of operation,

45:14

either in planning or in Section 61 consents or anything along those lines.

45:21

Thank you. I think we'll leave that point there, then. Thank you very much, Mr. Attorney.

45:27

In that case, and this Mr. Jones wants to pick anything else up on requirement seven, and we've heard it all this morning. Okay, then I'm going to hand over to Miss Coombs. On the next few requirements.

45:38

Thank you, Mr. House.

45:41

Um, so thank you for reviewing the three requirements eight 910. And this is just before we commence with the content detail, I think probably this changes to the next three requirements mean that the embedded measures schedule need an update. And I think also the AIA Volume One might also

46:04

in terms of referring to requirements. It's just a minor point.

46:09

Yes, we've we've we're doing that. Thank you. Okay, thank you. Um, so I think first of all, it would be helpful. I appreciate that the changes are in part response to points that we've been making and some of the local authorities were making about the differentiation between the types of planting. So I think it would just be helpful if we could just have a sort of, if you could talk us through the rationale, because we've got the explanatory memorandum, which sets out what is now in each

46:43

requirements, and the shedule of changes is quite brief in its description. So I think we'd just like to understand the rationale for the, the changes, and then I've got a few points that I'd like to pick up.

46:57

Richard Turney for the applicant. So

47:02

the original drafting, I think, in discussions, both in the hearings and in answer written questions, and with the local authorities had, I think, at least some scope for confusion about where the provisions were applying

47:19

on the facts of the case. So, the first approach is to make clear that requirements eight is concerned with

47:30

the landscaping at the

47:35

substations and cables ceiling and compound at

47:41

Tadcaster.

47:43

And

47:45

we are

47:47

there effectively looking at nonlinear works, where we have proposed in outline, landscape mitigation

47:58

and identified how that will work in those particular locations.

48:05

And the requirement is to submit details

48:11

of that

48:13

and to not to commence the works in those locations until those details have been approved. And then obviously, they have to be delivered.

48:25

One of the other points of discussion there was about the period for monitoring and

48:32

management of those areas of planting. And in terms of areas of woodland planting, we have extended that to include

48:47

management regime in the period between six and 15 years

48:53

to extend it from the five year maintenance period which we had proposed generally.

48:59

So that's the core change in terms of requirement eight.

49:06

It there's then some consolidation as well. So we lose we lose a requirement.

49:13

Newly numbered requirements, nine is concerned with the provisions for the protection and retention of trees which have been identified and will be identified in a submitted tree and hedge row protection strategy. These strategies and obviously the

49:39

arboricultural Impact Assessment Report, which is already prepared

49:46

are relevant to

49:49

the linear works as well and other areas affected by the scheme. So they're not limited to those locations where they're the nonlinear up

50:00

Permanent infrastructure. So that's the purpose of that article. And again, we think the separation of the of the provisions adds clarity. And then the the final relevant provision is the new

50:17

requirement 10.

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And

50:22

that concerns

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replacement planting.

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We had Miss Ferber earlier explained what was meant by replacement planting. And

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we've already touched on the point and discussed it a bit further over lunch.

50:42

The reinstatement is referred to elsewhere. We think replacement is the accurate word for the purposes of drafting the requirement.

50:53

We don't think references to reinstatement in the ies are problematic or inconsistent. It's just another another word, but the accurate word for the purposes of DCO. Drafting, we think is replacement, because that's what it is.

51:07

And the replacement provision is again, subject to approval through a replacement planting scheme. And that's in accordance with the code of construction practice provisions.

51:24

So

51:27

that's the breakdown of the provisions.

51:31

And

51:33

I think I didn't Mr. Ferber wants to add something on that.

51:38

He's shaking his head. So unless unless he can help or I can help. That's sort of what why we've got to where we have. I think the sort of key issues have been

51:48

maintenance periods. And I think we've we've heard, we've already explained why we've taken an approach to the



51:56

landscape mitigation planting the permanent infrastructure, which extends that period, certainly in respect of woodland planting, we accept that there might be a management requirement up to year 15, in respect to replacement plants, and we we maintain the position that a five year maintenance regime is is satisfactory.

52:17

I think we welcome the clarity. And I think certainly everything that you've set out has made it clear if asked, and obviously I'll come to the local authorities in a minute. And I think perhaps Mr. Ferber hadn't

52:31

maybe I haven't explained fully the point. So

52:36

I'm not questioning use of replacement at all. But what I'm questioning is

52:43

the statement that the sole purpose of replacement planting is to replace what is removed to maintain the existing baseline, because I don't think that reflects what is said in the environmental statement, what is said in the dassie. What is said in the AIA, because I think the planting outside of the outline landscape mitigation strategies,

53:10

does more than just replace the baseline. So that was the point that I was making. So I'm not questioning the DCO. I'm questioning whether that statement is actually what the applicant means.

53:26

reached out to him. I'll come in first and Mr. Ferber wants to add something he should but

53:32

I think that so, first of all, I appreciate that clarity. We

53:41

I think perhaps that answer to the question was it was an oversimplification of of the issue.

53:48

The distinction that we're drawing in is between replacement planting, which is required to replace that which is lost from the scheme. And its purpose is to ensure that when trees are lost, that we replace them to ensure that that's the the fundamental purpose of it. decision between

54:09

requirements eight, planting, which is concerned with mitigation of landscape and visual effects of permanent infrastructure. So that is that's the distinction that we're trying to draw.

54:22

But it is it is right to note, and I think, perhaps in answer that question, we should have emphasized it, that replacement planting is not necessarily in its form.

54:35

And nature going to be limited to a simple like for like replacement. In fact, it probably, in fact, rarely is because we'll have to consider an appropriate scheme of replacement planting.

54:49

We had one example from Mr. Wakefield in terms of replacing unsuitable tree types with suitable tree types. If

55:00

That's right way to describe the ash issue. But replacing it with something that's that's going to have a better chance of surviving and thriving. So there are various benefits that can be delivered through that replacement planting, which go beyond a simple sort of like for like, binary replacement.

55:23

Mr. Ferber? Do you want to add anything to that?

55:27

Yeah, I think another one, just to add another example, really, I think,

55:31

when you look at the replacement of the woodland planting at the traveller site,

55:38

you're obviously replacing, you're putting in a new pile on, then you're decommissioning another pile or removing another pile on. And it may be that the vegetation that's in the area to be removed is not a particularly high quality, it might be sort of scrubby, and intermittent, and what you're actually putting back in the location where the pylons being removed would be, you know, many more trees and other, you know, higher quality and more, more species diverse, for example. So

56:08

I think it's, it's looking beyond just purely a quantum analysis. I think the description was, as Mr. Tony said, was just trying to distinguish between

56:22

the difference between the linear and the nonlinear works and the definitions of the word replacement and reinstatement.

56:32

Do you think we could have a note that just sets this out, because I think that would just be helpful for us. So I'll move on now to but thank you for that.

56:43

I'm, I think I'll just move on now, because we've touched on management and maintenance. So I'm clear that that differentiation, then is makes a difference in terms of how the

56:57

ongoing management and maintenance or the length of time the ongoing management maintenance would

57:03

would be undertaken. So can I just set up our understanding

57:09

of how this would pan out, so any plant that dies, whether it's replacement planting, or part of a landscape strategy, would be replaced after five years but no longer

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maintenance, including management and monitoring, likewise,

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would be for five years in all cases,

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Woodland planting at the two substations because there is no woodland planting at Tadcaster,

57:41

which is on land in the ownership of the undertaker would be subject to a proposed management regime for sticks for years six to 15

57:52

and existing hedgerows on land in the ownership of the Undertaker, where there's been reinforcement planting will be subject to maintenance in perpetuity, which is what we heard yesterday with regards to the hedge that is between Mr. Watson's land and

58:12

the Samuel Smith I burry land

58:17

is that correct? Branches, anything the applicant that the everything is until the last point. The point about perpetuity on the hedgerows is that where they fall within the permanent land take.

58:32

They will be retained by the Undertaker and therefore maintained by the undertaker. But the provisions in respect of landscape mitigation the requirements would not require any would not themselves require any maintenance or management beyond the five year period. So we're not proposing an additional maintenance regime it would be national grids normal approach to maintenance.

59:02

Though how does that differ at the for the woodland planting at the substations then why wouldn't national grids normal

59:10

management and maintenance be in perpetuity there?

59:14

It would be it would be and that's

59:19

that's effectively why we said earlier in the examination that our view was that the DGA requirements needed only to extend to her five year period. But we've accepted that in assessing the likely landscape and visual effects. We have included an assessment up to a 15 year period that woodland planting obviously will be continuing to mature and there may be particular management interventions in that period and therefore it was appropriate to extend on the face of the order than normal management regime, but it will remain land within National Grid's control and it will be subject to its ordinary maintenance

1:00:00

Approach

1:00:02

beyond beyond the 15 years, it's just the DCA will fall silent as to what it requires to be done on that land.

1:00:10

Okay, that's, that's helpful. And I'll come to the local authorities in a minute, but I think probably I'll just touch on a couple of other points.

1:00:22

So I'm,

1:00:26

yeah, I just wondered about eight, three, which dates that

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implementation must be no later than the first available planting season after the authorized development is brought into operational use, whereas the embedded measures schedule says at the earliest opportunity, and prior to completion of the substation infrastructure.

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And I think Mr. Ferber will correctly I think the

1:00:56

outline landscape mitigation strategy certainly has over some states a specific season for planting. So are they inconsistent? Or are they

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saying the same thing?

1:01:11

neophobia for the outcome? I think they're consistent. You obviously wouldn't plant with the stock that were intended to plant as part of the outline, landscape mitigation strategy, you wouldn't plant outside of the planting season,

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that wouldn't be sensible to do wouldn't be sensible to

1:01:28

if the works were finished earlier to put them in, in the summer, when the chances of establishment were by not less with the the bare root stock that we're looking at.

1:01:39

Yeah, but that wasn't really the point. The point was that

1:01:44

whether the authorized whether the when the authorized development is brought into operational use, is the same as at the earliest opportunity and prior to completion of the substation infrastructure. So I would interpret the earliest opportunity to mean the earliest planting season but oh, yeah, yeah. Are they are they the same year? So is, prior to completion of substation infrastructure, the same as

1:02:13

after the authorized development is brought into operational use?

1:02:18

A rich attorney for the applicant will we'll take that one away, because we perfectly see the possible inconsistency between the two, whether there is an inconsistency as a matter of fact, will depend on chronology. But exactly, potentially there is. So we'll look at the wording. Okay, thank you.

1:02:38

And I think I've only got one further point, which I'm sure you'll be glad to hear.

1:02:45

Yes, I just wondered about the word proposed

1:02:48

in relationship to the

1:02:52

ongoing maintenance for the woodland. So it says proposed management regime. And I just wondered

1:03:01

why it? Could it not just be the management regime, the woodland planting?

1:03:09

Sorry, I mean, eight to see.

1:03:21

Richard, sorry, for the applicant, I think we could probably probably be fine without proposed. So we'll we'll just we'll just check that. But if, if that's right, we'll we'll just delete it. Thank you. Um, so I just turned to local authorities. I think I'll go to Leeds City Council first and was white, and you've heard the applicants response? I think probably I hope I've picked up the points that you've been making previously. So anything first was that you'd like to

1:03:48

share with us, then indicate whether you can agree with the applicant or whether there's still outstanding areas of concern?

1:03:56

Thanks, Louise, why Leeds City Council. I'm okay with all of those three, apart from just going to query requirement 10. And that doesn't include any replacement on a three to one ratio. I'm not sure if that should be included. Typically, we would include that in a planning condition for a planning application. Thanks.

1:04:20

Thank you, Mr. Turney. I think

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that there was a response actually, on that point in the applicants.

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response to our last set of questions, but Mr. Turney if you'd like to just cover that.

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Neal Ferber for the applicant,

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I think with reference to the location of the planting.

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There isn't any planting that's proposed to be removed within Leeds

1:04:48

administrative area, there are small amounts of park planting that are potentially affected. We looked into those in a little bit more detail and they're largely sort of tree belts for hedgerows.

1:05:00

The overhanging order limit. So in all likelihood, even if some of the potentially affected trees were to be affected, it would be management operations rather than removal.

1:05:12

But in any event, we are replacing more trees than we're removing across the whole scheme. So we would be confident to be able to meet that requirement, should it should it arise.

1:05:26

Thank you, Danny, for the applicant. Could I just add on that, that I think it's just to emphasize, I think it is a leads policy requirement, but it's not a policy requirement reflected in the other authority areas. And

1:05:38

essentially, it's a, it's potentially a bit of a blunt tool in terms of seeking a particular ratio. But what we're proposing is, of course, that the replacement planting details will be submitted for approval. So it may be that a particular ratio is supported in a particular location for a particular reason. And if so, the authorities will have control over that.

1:06:00

And it may be it may be three to one, it may be one to one, it may be four to one, in any given location, on the facts of what's been removed, and how it can be replaced. So we think the appropriate thing is to maintain that flexibility on the face of the order. And for the detail of ratios to be settled. When it comes to approvals.

1:06:20

Miss Weiser, I was just going to mention we did ask the question of the two other local authorities if they had a similar policy. And they replied that they didn't.

1:06:29

So I think

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Mr. Turney has sort of set the point. But

1:06:39

I think it would be difficult in the circumstances for that sort of ratio to be on the face of the order. But I think what Mr. Turney saying is that these plans, the planting plants will come through to the local authorities for discussion through the the relevant requirements and discussion can take place then so

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that I think just one final point for you as white just in terms of there is

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in

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aid to see this this discussion of monitoring. So I, I just,

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I presume that that is some kind of there would be some arrangements for

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luck, local authority monitoring, is that the case?

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Maybe Oxford's? Mr. Attorney first is is it is that is the wording in that the intention that there is

1:07:35

sort of

1:07:37

monitoring by the local authority to ensure that the

1:07:43

landscape works are achieving what they set out to achieve?

1:07:47

Rich Tony for the app? No, I think the reference to monitoring is monitoring by the Undertaker, okay to check that, you know, don't inspect and check that there hasn't been large scale die off, etc, etc. So that's what's meant by monitoring. Obviously, there's still the residual enforcement powers of the authority, but we'd be we'd be doing the monitoring. Okay. Thank you.

1:08:10

Thank you very much. Miss White thought I'd just turn to Mr. Reynolds now and see if there's any point but I think there was less difference of opinion with regards to timescales from North Yorkshire than there was from



1:08:26

Leeds, but Mr. Daniels, is there anything further that you would like to add to what you've heard today from Mr. Turney and Mr. Ferber?

1:08:37

No, no, no, I could I could add to things, the three to one ratio, our landscape architects got quite excited when that came up. And that leads are leading the way on that. I think that our new logo plan will probably include something like that. But the comments that Mr. Ferber made about replacement, and it being

1:08:57

not unnecessarily alive for life, but what was there to what is appropriate? Now, it's very encouraging. That's been our blind spot, if you like what's happening in the linear, the linear stages of the of it. I know, we'd asked for a longer period of maintenance, but I think we've we've talked about that quite a lot now and understanding their ongoing requirements to their requirements normally.

1:09:20

They they need to maintain their site. So that makes more makes more sense. I think we're happy with that.

1:09:27

Though. Yes, I would just look forward to the note about

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permanent and changing into what's appropriate for there now.

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A few examples in there will be very helpful.

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Other than that, we read we had read the

1:09:44

the updated requirements. So what happened with the law what was set out?

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I'm just wondering, Mr. Attorney if this explanation needs to rest somewhere other than in a post hearing note.

1:10:00

Maybe for

1:10:02

now the Dassey wouldn't be any good because that's only for the site specific instrument, maybe you can just give some thought as to whether

1:10:10

the note that explains this a bit further is

1:10:16

included in a document that is secured in some way.

1:10:22

That Thank you. Can I take that away? Of course, yeah. It's just something. Thank you. Thank you.

1:10:28

That's Holmes Paris. Thank you.

1:10:35

Thank you, furiously scribbling my action points. Okay, so we'll move on, then. Thank you for that on eight, nine and 10, then we're moving on to requirement 1112 1314 15 and 16. We don't have anything specific to raise on these

1:10:59

nor on 17, but we do on both 18 and 19. So I'll just check if there's nobody wanting to come in before 18 and 19.

1:11:09

Okay, so in that case, we will look at requirement 18, which is an amended version of the dassie requirement first, and actually miscues I'm handing back to you. Thank you.

1:11:25

Um, certainly, we've just got a couple of questions first, then I just wanted to seek views, again, from the local authorities, all of whom welcomed the dassie. And this requirements, although some of them came along with further suggestions. And

1:11:41

we just felt that requirements 18 Two was quite widely drafted, in terms of

1:11:50

implementing the design intention set out in the dusty, because firstly, details must be produced having regard to the Dassey rather than in accordance with. And then secondly, there's a tail piece. So we're just wondering if there's the need for both the tail piece and that, why is drafting.

1:12:13

But again, if it's, if it's easy to take that one away, then we'll take it away.

1:12:19

It may be that one or the other can, can go.

1:12:25

But I think the thrust of what we're saying is that

1:12:29

the dassie is is expressly a design approach. It's not a code or

1:12:34

any completely prescriptive document, as you've already seen, it's very relatively broad, but hopefully informative.

1:12:41

But so so on its face, it doesn't sort of seek to prescribe.

1:12:47

But it may be that we don't need to have both having regard and an inability to depart from it having regard may be enough in itself.

1:12:56

Thank you.

1:12:57

Um, so I think I'll just come to the local authorities now.

1:13:01

And just really, for comments, Miss maybe to Mr. Reynolds, first of all, because North Yorkshire council did send

1:13:10

a list of suggestions for the wording of this

1:13:15

requirements, some of which has been incorporated. So Mr. Reynolds, just, I think you mentioned

1:13:27

you mentioned surface material and fencing, as well as the acoustic enclosures. So the acoustic enclosures have been included and

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the

1:13:40

the fencing, certainly material hasn't. So I just wondered if you wanted to give any further points on that, but the applicant has obviously, responded on both those matters are in quite a lot of detail with regard to the fencing.

1:13:56

Would you like me to ask Mr. Turney, just to

1:14:00

give that the applicants points on the fence thing and the surface material first?

1:14:06

Well, what I was going to say was that the also the note

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who had appeared appeared at the previous hearing

1:14:15

has been unable to get you know, she's not at work at the moment in the lead up to this. I am sad that they include the acoustic and close the fencing was the same thing. So I'm sorry about that. But and in relation to the road surfacing? I think that I would want to give him what we've spoken about the with the highways matters. I think that that's another issue anyway, that might be picked up in other places. So I wasn't too concerned about that. But I would like

1:14:48

Fiona to be able to just review the response and contract to come back and deadline. The next deadline if that's okay on this one, because she really doing the heavy lifting on it. That's fine. Thank you.

1:15:00

Okay.

1:15:02

Most white, I think probably you had points on the fencing as well.

1:15:09

Philando is widely City Council. Yes, I did as last time.

1:15:15

The requirement looks a little bit better. I think having spoken to miss Elwood,

1:15:21

I'm going to suggest that her thoughts are that it should include any type of fencing, not just acoustic.

1:15:28

And that's for visual purposes.

1:15:32

I'll leave her to deal with that. Obviously, this isn't in our area, so I'm gonna say less about it and just leave that to North Yorkshire. Thank you.

1:15:42

Thank you, Miss White, though. Mr. Reynolds. The applicant did the math in response.

1:15:52

Well, two appendices on fencing, one on powder coating and one on corrosion in the Monk Fryston and Overson areas, as well as quite a detailed explanation of the

1:16:06

engineering reasons that galvanized steel is the best material, galvanized steel with no powdercoating. So, um,

1:16:16

I don't know that I haven't.

1:16:18

I don't like Mr. Fowler, would you be able to give the references for that?

1:16:22

Or Mr. Turney?

1:16:25

Sorry, I exam Library Reference.

1:16:29

Its response to the second written questions, isn't it? It's an appendix A was the I think.

1:16:38

And then I Yes, five. Sorry, 5083. I think

1:16:44

I keep

1:16:50

question for 84. For the appendices. I'm 71. Yes, and 84 for the appendices.

1:16:58

Mr. Tony, do you want to say anything on the question of the fencing?

1:17:05

I suspect it's for others to insist on it. I think if effectively, it's as we've set out in those submissions.

1:17:12

I think we have come to quite firm position on the question of fencing and the ability to select color for it. We don't think it's either practical in engineering terms nor necessary in terms of landscape visual mitigation.

1:17:29

So do you want to hear from Mr. Ferber or Mr. Fowler on either of those issues? I think I don't think we've got much to add to what we put in quite lengthy submission. No, I'm happy with the extent of the submission in terms of your position. I'm quite clear on your position.

1:17:48

As an aside, if you're in Manchester ever go and have a look at the court and fencing in the new Mayfield Park.

1:17:55

I'm okay. Nick needs to Piccadilly station, Mr. ferbos. Job for for tomorrow if we if we finished?

1:18:08

Right, I think this is probably going to remain a point of difference. And just to pick up on the surface material. So

1:18:17

Mr. Reynolds is that is saying he'll come back on that. But I think we did ask him the first set of questions about

1:18:26

permeable surfacing for substation areas. So I think

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I don't know whether that's

1:18:37

i Can I take your point about their large areas, they're mainly

1:18:42

screened because of the landscape mitigation. So what the surface thing looks like isn't necessarily an issue unless you've got a drone. But I think in terms of the sort of drainage matters and solids permeability, then there should be some consideration as to the use of permeable materials. So I don't know where that would sit and whether it needs to sit anywhere, but can I leave that with you as well?

1:19:16

reject any for the applicant? Yes. Well, we'll check that

1:19:21

it's possibly going to respond to it.

1:19:25

Yes, hello, Steve Anderson for the applicant. Just to say that there are drainage strategies for over to an animal price and substation attached his annexes to the flood risk assessment appendix,

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which set out the training strategy for the substations and the use of sorts and which, which both sides reliance is placed on

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permeable surfaces.

1:19:53

Thank you. Thank you very much for that.

1:19:58

Would you like me to carry on with nine

1:20:00

See, normally, I think we'll move to the end of 19. And then we'll take a break. Okay.

1:20:07

So thank you for adding in 19.

1:20:11

Um,

1:20:14

I think we've talked earlier about construction working hours

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earlier this morning and this afternoon, and

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we just wondered whether the content of requirement 19 could

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reflect something about construction working hours. So

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could you envisage that the Mitigation Scheme could restrict construction working hours in this in this location? Or is that not the intent?

1:20:57

Mr. McDonnell, I'm on behalf of the applicant. Mr. Heinz is not with us today. So we're happy to confirm anything in writing thereafter. But as it currently stands, it has not been suggested through the noise and vibration management plan that there is a requirement to restrict the working hours in this location. And as a result, the site Pacific Mitigation Scheme would not seek to do that, unless subject to you know, there's a change in circumstances on the vibration that as noted, we will have to confirm in the South Pacific Mitigation Scheme, their form of impact air foundations to be used. But as it currently stands, that wouldn't change as part of the South Pacific Mitigation Scheme. But we can seek the views of Mr. Heinz Syncom firm that the position I'm given us correct. Thank you very much, Mr. McDonald.

1:21:45

So, Mr. Turney, there were just two points that we raised yesterday that we sort of suggested you might like to reflect on overnight, and that was whether the mitigations, whether it should be considered consultation with the representative of the travel community,

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on the Mitigation Scheme, and the wording around the

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the liaison and communication

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rich attorney for the applicant. So in the cicp, we're going to put in a new paragraph on community liaison,

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which refers I think, probably in general terms to to hard to reach groups and making sure that there's appropriate communication with those groups, which would encompass

1:22:37

the residents, the traveler site, if they have difficulties in language or reading.

1:22:45

So that would be the first approach.

1:22:48

In terms of liaison.

1:22:51

We are again, happy in the crcp to propose that the site specific Mitigation Scheme for the travelers encampment that there should be consultation prior to its submission. Our preference, is to have that in



the CSCP. We think that's the appropriate place for it rather than on the face of the order. We think including a specific Consultation requirements with a particular group of people would be unusual. It's not a general public consultation. But it's that there should be some form of engagement with that group before we made this submission to the local authority at the site specific scheme. And so

1:23:31

we absolutely made the point. We don't think requirement 19. Should needs to be changed for this. But we think the CSEP can accommodate both those issues.

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I think we're happy with that, though. Thank you for considering that.

1:23:50

And I think the final point is just the tailpiece. In 19. Three, I'm just questioning whether that's needed.

1:24:09

Returning to the app, and I think we have

1:24:12

already put in a written explanation of that, I think the flexibility that we saw was really that specific if the circumstances change, and obviously, if we made provision for specific construction approach at that site, but there comes a time where it's no longer occupied, then we would see two, we would want the flexibility for some variation, but we'll consider that again and give a give a response at the next deadline. Okay, thank you.

1:24:42

I think that was all for the applicant. But I just come back to Mr. Reynolds because we we just touched on it yesterday with regards to North Yorkshire councils duties under the public sector,

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equality duty and so,

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Mr. Animals, whether

1:25:00

Um, you've had time to reflect on.

1:25:04

Reynolds, I'm

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sorry, your, it was just taking a long time for your image to come through on my screen.

1:25:14

My mouse goes to sleep.

1:25:17

We've sent this to our liaison officer and our solicitor, they're happy with the way that it's drafted. I also think that the tailpiece are always doing that way that sort of

1:25:28

bit of flexibility is probably necessary. Okay, that's very helpful. Thank you.

1:25:36

Unless anybody else has got anything on this requirements? And

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that's all I've got. Thank you.

1:25:46

Okay, so we are, we're at the end of schedule three, and we're at the sort of time that we might take a break. So I'm going to just be do that. The main, from our perspective, the main matters to be covered when we come back are going to be sheduled. Four, because we know that an area still have outstanding disagreement with the local authorities and allied to that the question of section 106 agreement on the service level agreement. And then I think the other main one will be

1:26:23

sheduled 15 on protective provisions.

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And I think that's, again, a very small amount on others, and then we'll come back to the section 106. So as it stands now, it's looking positive for managing to complete the hearing today, but that could be famous last words. So anyway, that's what we're focused on. When we come back. We'll have a 14 minute break. And we'll we'll resume at 1550. So attend to fall back. I'm sorry. Sorry. Just before you finish, could we just have a very brief clarification of one point that was raised before we break because Mr. Ferber needs to leave the meeting? And we just wanted to clarify the question about temporary planting in the Overton area and identify, sorry, in the monk fryston in the monk fryston area, temporary planting in the monk fryston. area. And

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the question that was raised before

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about provision of temporary planting along the picket was the Western the northern edge of the Western Construction compound.

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Can we just

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confirm?

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No, it's just the northern is not not a third,

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the edge that is closest to the ace 63 and the edge that you would see from from Lumbee.

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Yes, that's that's why I think we just wanted to clarify that we do. We've got some 2.4 meter high screen fencing on that boundary, because it's along the order limits.

1:28:05

So were we looking at planting instead of that fencing? Or do you think you'll still want fencing?

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Yeah, I think it was just obviously working out whether there was flexibility to probably

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reduce or to reconfigure the construction compound to accommodate that.

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And also, we did look at the view from

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Lumbee.

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The additional montage and and we felt that it was very much the construction compound on the other side of Warfield lane, that would be more prominent. So it was really sort of wondering how much temporary because it would be temporary planting would net for the for the for four years. So something like a willow fast growing Willow screen. That would be above the two point for me to construct a compound, we just felt that if you know what, what are we squeezing at that height, because the fencing is stopping the views of the ground level activity. Anything higher would be sort of restricted in baby views have a double Porter cabin, but there wouldn't be, you know, there wouldn't be that many of those within that compound. So it was just sort of trying to sort of seek a bit of clarification there because we're not clear at this point in time, but whether it can be accommodated within the order limits.

1:29:32

Well, it would be screening the fencing in my view.

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So rather than fencing, you'd be looking at a row of fastgrowing something which we'll have which will could be one, and we've heard from you before that this would compromise the layout requirements of the assets in the compounds but I'm just challenging you to

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consideration but

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I

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I doubt that we're not going to try and put something in the DCO to that effect. Now it was helpful to have that clarification. Thank you.

1:30:10

Apologies for the interruption. That's okay. We will in that case, we will, we will actually return at five to four and we will then move on to shedule four. So returning a five to four. Thank you