

Hynet_8 June_ISH2_PT2

Created on: 2023-06-08 13:18:59

Project Length: 01:23:36

File Name: Hynet_8 June_ISH2_PT2

File Length: 01:23:36

FULL TRANSCRIPT (with timecode)

00:00:05:09 - 00:00:22:05

Welcome back, everybody. Time is now 1150. And I'm recommencing with this issue specific hearing into the development consent order. Um, hope everybody managed to get some refreshments and a stretch of the legs. Um.

00:00:24:21 - 00:00:54:21

We're running a little behind schedule, so I'll try and catch up in this next schedule in this next session. But, um, I want to make sure we give enough time to everybody to, to comment. So, so we will continue as we are at the moment. Um, can the case team please confirm that they can hear me? The digital recording has started and the live streaming. Brilliant. Thank you very much. Um, we are moving on to article 23, which is.

00:00:54:24 - 00:00:59:01

Thank you. Which is removal of human remains. Um,

00:01:00:17 - 00:01:12:08

note that Flintshire County Council reserved its position in regard to to this matter in regard to the first round of written questions. A question. 1.19 .32. Um.

00:01:14:27 - 00:01:33:29

I also note that Flintshire County Council asked to defer to second written questions in subsequent correspondence in regard to this matter. I was just wondering whether or not you're in a position yet to be able to say anything called you. You want to wait until after second written questions or submit a comment at second when questions.

00:01:37:28 - 00:01:41:00

Susan Gordon of Flintshire County Council. Think we'll wait?

00:01:41:04 - 00:01:43:23

Okay. Thank you. Okay.

00:01:54:23 - 00:02:01:19

Does anybody else have anything they want to say with regard to the removal of human remains, which is Article 23?

00:02:04:05 - 00:02:39:08

No indication. So I'm going to move on to part five, which is powers of acquisition. Again, a lot of a lot of issues are either ongoing or. In the process of being resolved with the applicant directly with regard to this between the relevant parties, which as the examination authority we don't need to be part of. Um, we asked quite a significant amount of questions with regard to these various articles in our first rounds of written questions, uh, most of which were addressed or are being addressed.

00:02:39:20 - 00:03:12:15

Um, so I don't have an actual, an awful lot of questions with regard to this, um, this part, but we'll go through the notes that I've got here. Um, so starting with Article 24, which is compulsory acquisition of land. Uh, I should say we're bearing in mind that we also covered this yesterday in the, the compulsory acquisition hearing. So that's also a reason why we don't need to go into necessarily too much detail today, but we still have to go through them. So starting with Article 24 compulsory acquisition of land.

00:03:13:08 - 00:03:33:26

I've got a note that Chester West, Cheshire West and Chester Council reserved its position with regard to Article 24 through to Articles 32, which is is two thirds of this part of the DCO development consent order draft. Um.

00:03:36:10 - 00:03:51:23

These powers all relate to powers of acquisition. But I was wondering whether or not Cheshire West and Chester Council are in a position to respond now in regard to to their thoughts on this matter or whether or not you are still seeking to defer to a later stage.

00:03:52:29 - 00:04:16:16

Michelle Spark on behalf of Cheshire West and Chester Council. And yes, we will be coming back at a later stage if that's okay. So in relation to compulsory purchase and we have had constructive dialogue and after the hearing yesterday with the applicant and we're looking to progress matters. So if we can defer to a later stage, that would be really helpful.

00:04:16:18 - 00:04:50:27

That's, that's fine. As far as I'm concerned, I don't need to note that down as an action point because really all I was doing is chasing you up. Um, but um, the sooner you can get your, your observations without too much pressure on you, obviously the better it is from our point of view. Um, does anybody else want to say anything with regard to compulsory acquisition of land? Article 24? Um, hands up in the room. None have got no indication on the virtual screen in front of me.

00:04:51:12 - 00:05:08:25

Um, so I'm going to just whistle through the rest of these articles and um, I have no questions on Article 25, which is time limits for exercise of authority to acquire land compulsorily. Um, does anybody want to say anything?

00:05:10:10 - 00:05:27:23

I've got no indication virtually or in the room. Um. Article 26 Compulsory Acquisition of Rights and Restrictive Covenants. Does anybody want to say anything? The same thing. I have no specific questions that haven't already been covered in first written questions or in subsequent correspondence.

00:05:29:21 - 00:05:42:04

Get no indication. Um. Article 27 Statutory authority to override easements and other rights. Does anybody want to say anything? Again, I have no questions.

00:05:45:19 - 00:05:53:10

Get no indication. I'm moving on to Article 28, which is compulsory acquisition of land minerals.

00:05:55:16 - 00:06:07:25

Again. Anybody wants to raise anything? No indication. I'm going to move on. Um, Article 29 is private rights. Does anybody want to say anything with regard to Article 29?

00:06:09:11 - 00:06:12:01

Yes. Insert, please.

00:06:12:18 - 00:06:44:16

Thank you, sir. Justin Gartland for of Litchfield for Forensic. Um, I'll probably. We'll come on to this later, but I just want to sort of set out our position because we have some things to say in relation to schedule ten when we get there, which is the protective provisions. Um, and I would hope that matters such as this and access to private roads that we talked about earlier, access to land for surveys, et cetera. Could be wrapped up in that.

00:06:44:18 - 00:07:09:00

But I think we reserve our position essentially to comment within whatever requisite deadline is set for the purposes of coming back on these articles, uh, to, to, to, to respond individually to those. Um, but I would hope that we don't need to because I would hope that if we come on to schedule ten and we agree a way forward on that, then we can wrap everything up together there.

00:07:12:02 - 00:07:37:07

That's completely understood. I mean, clearly, you can make representations at deadlines in any event, and the applicant can then respond to anything you wish to say. Um, as you say, protective provisions. There is a protective provision for insert within Article 11. I think it is Article ten. Sorry. Apologies. And.

00:07:39:11 - 00:08:05:16

Again, those are very much for agreement between the parties. And unless you can't reach agreement, which is where we sort of intervene. So and that's assuming we're recommending the development in order to be made in the first instance. So clearly, hopefully it will be a matter that you'll be able to resolve between yourselves and then encompass within the protective provisions that you have agreed.

00:08:05:20 - 00:08:19:06

So thank you. Thank you. Thank you, sir. That's that's clear. But just looking at the the current, though, at schedule ten, I don't think there is protective provision element forensic at the moment.

00:08:21:12 - 00:08:24:00

That's unless I've missed it on the current draft.

00:08:32:28 - 00:08:49:24

You're right. I'm. I'm confusing. There's one for XO. Liam. Airbus Limited, Airbus operations Limited Manweb, but not one specifically for for yourselves. But I'm sure the applicant has picked up on that and has already got something in action in relation to that.

00:08:50:04 - 00:08:53:18

That would be that would be excellent to have that confirmed, sir. Thank you.

00:08:55:03 - 00:09:00:16

And with the applicant like to respond at all. Bearing in mind we will be coming to protective provision shortly.

00:09:01:02 - 00:09:09:11

Oh. Oh, my goodness. For the applicant if we could possibly come back to that in a slot. Don't have the project manager who's been leading the in relationship to ask at the moment.

00:09:09:13 - 00:09:13:18

That's fine. That's fine. Um, we will pick up on it again though, if that's okay.

00:09:16:05 - 00:09:21:12

That. Does anybody else want to say anything in regard to private rights? Article 29.

00:09:24:08 - 00:09:36:10

I'm getting no indication either in the room or virtually. So I'm going to move on to Article 30, which is application of the 1981 act. Does anybody have anything they wish to say with regard to Article 30?

00:09:38:24 - 00:09:47:12

No indication in the room or virtually. I'm going to move on to Article 31, which which is acquisition of subsoil and airspace only. Um.

00:09:49:09 - 00:10:15:25

I have a note here that the Canal and River Trust again, has raised concerns with regard to this article. Um, but as they aren't here, I'm going to defer this to the second round of written questions which will be released next Tuesday. So, um, I'm going to make a note of that now, and I'm not going to ask the question because it's, there's no point if they're not actually physically here. So, um.

00:10:23:27 - 00:10:25:08

Okay. No to that.

00:10:27:03 - 00:10:35:10

Um, moving on to, um, unless anybody else wants to say anything in relation to subsoil and airspace acquisition.

00:10:37:08 - 00:10:52:07

Get no indication I'm going to move on then. In that case, um, Article 32 is modification of part one of the 1965 act. There's anything anybody wants to say, anything with regard to Article 32.

00:10:56:21 - 00:11:08:14

No indication in the room or virtually. I'm moving on. Um, moving on to Article 33 rights under or over streets. Does anybody have anything they want to say with regard to this specific article? Please?

00:11:10:23 - 00:11:12:13

No indication. Moving on

00:11:14:13 - 00:11:19:26

Article 34 is temporary use of land for the carrying out of the authorized development. Um,

00:11:21:15 - 00:11:39:14

I have a question with regard to this article. Um, but again, it's a question related to the Canal and River Trust. So again, I am going to defer to second written questions on that. Again, there's no point in me asking a question to somebody that's not physically present, so.

00:11:41:11 - 00:11:44:12

I will defer to second written questions. Um.

00:11:46:03 - 00:11:55:04

Article. Anybody else want to say anything with regard to Article 34 temporary use of land for the carrying out or out of the authorized authorized development.

00:11:57:11 - 00:12:08:06

Article 35. Then in that case, which is temporary use of land for the maintenance of the authorized or maintaining the authorized development. Does anybody want to raise anything with regard to Article 35?

00:12:11:24 - 00:12:22:06

No indication virtually or in the room. So I'm moving on to Article 36, which is statutory undertakers. Does anybody want to raise anything with regard to statutory undertakers?

00:12:25:01 - 00:12:26:09

Got no indication.

00:12:29:08 - 00:12:38:26

And move on in that case, to Article 37, which is recovery of costs for new connections. Does anybody want to say anything in relation to recovery of costs?

00:12:42:09 - 00:12:44:11

No indication. Um.

00:12:45:29 - 00:13:17:21

That's acquisition of land powers of acquisition covered, and we're going onto part six in that case. And with this is miscellaneous and general provisions, Article 38, which is related to application of landlord and tenant law. Um, I have no questions on this and I'm opening up to anybody who wants to ask anything. With regard to Article 38. Nope. Article 39.

00:13:17:23 - 00:13:26:13

In that case, the filling or lopping of trees and removal of hedgerows. I have no questions. Does anybody else have any questions?

00:13:29:13 - 00:13:38:22

Okay, I'm moving on. Article 40 Trees Subject to Tree Preservation Orders. I have no questions as anybody else want to raise anything.

00:13:40:09 - 00:13:47:17

No indication in the room or virtually I'm going to move on Article 41, which is crown rights.

00:13:49:16 - 00:14:23:14

I have no question specifically in relation to this article, although there is a subsequent section where we will be discussing um, special category land and crown land. So possibly no. Okay. Um, Article 42 protective provisions. We have a separate agenda item on this. I don't propose to ask any questions here, but does anything anybody want to ask anything in relation to a general matter and this provision or this article? Okay, moving on. Article 43 Operation of land for the purposes of the 1990 Act.

00:14:24:08 - 00:14:27:13

I have no questions. Does anybody else want to raise anything?

00:14:29:27 - 00:14:41:24

Article 44, which is certification of plans. We have an agenda item later that discusses this. Don't propose to raise anything now. I'll leave that to the later agenda. But just as a general terms, does anybody want to say anything?

00:14:43:18 - 00:14:56:04

And moving past Article 45 service of notice. I have nothing to raise with regard to Article 45, putting it out to the room or virtually.

00:14:57:27 - 00:15:10:01

Moving on. No response. Um. 4046. No double recovery. I have no questions. Does anybody else want to raise anything on no double recovery?

00:15:11:26 - 00:15:52:08

Article 47 requirements, um, appeals, etcetera. I have no specific questions with regard to this article. Anybody else? No, nothing. Virtually nothing in the room. Uh, Article 48 arbitration. I have no questions on on this article either. Anybody got anything to say? Not anything in the room or virtually. Okay, that's. That's the articles done. Um, if I'm going to be that quick, I might have waited to the break, but, um, you know, I was expecting some, some more debate on some of those articles, but, um, in that case, I'm going to move on to the schedules.

00:15:52:10 - 00:16:03:20

Believe, think that's the next thing in the, the agenda. Great. Yep. It's still a part of Article agenda item two, which is schedules. Um.

00:16:12:16 - 00:16:47:14

Before I do that, I'll just make a comment that that asked a question yesterday with regard to Network Rail's objections to various articles ranging from Article 19 discharge of water through to Article 39, filling a lot of trees. Not not every article within there they object to, but there was a significant number. So I'll just mention them briefly without going into what they actually each are. Article 19, 21, 22, 24, 26, 27, 28, 29, 31, 33, 34, 35 and 39.

00:16:48:02 - 00:17:20:02

Um, clearly they're not here today to say anything. They weren't here yesterday to say anything. Um, I was going to ask them for some clarifications on their objections, but we will defer those to further written questions. Um, as part of our second round of written questions, I just wanted to mention that I had mentioned it yesterday. I was going to ask it again today because I'd deferred it to today just to show I hadn't forgotten. Um, okay. So moving on to schedules, clearly schedule two requirements.

00:17:20:04 - 00:17:28:00

We're picking up on the next agenda item, which is item three, which I'm not going to cover that immediately. Um, and the same.

00:17:29:28 - 00:18:11:25

No. So we put that up on agenda item three in terms of other schedules. Um, we asked a number of questions in regard to the schedules in the first round of written questions, um, and various responses received and noted and responses to those responses have also been noted. Um, and they've significantly been updated since um, through those various iterations. And as a result, I have no questions with regard to schedules one, which is part one authorized development schedules, three streets and street subject to street works or as part or any part thereof schedule for new means of access.

00:18:12:07 - 00:18:48:25

Um, schedule five streets to be temporarily stocked up or restricted. Schedule six Public rights of way to be temporary restricted schedule seven lanes, land of which only temporary position may be taken or any part of it. Schedule eight land in which only new rights, etcetera may be acquired. Schedule nine Modifications of new modifications of compensation and compulsory purchase enactments for the creation of new rights. Schedule 11 removal of hedgerows or any of its parts or Schedule 12 arbitration.

00:18:49:17 - 00:19:05:22

That leaves schedule two requirements where I have questions and schedule ten where I have questions. Does anybody have any questions regard to any of those schedules I've just listed other than schedule two or schedule ten?

00:19:08:20 - 00:19:16:26

Okay. I'm getting no indication. So I'm going to move on to my questions. Um, specifically.

00:19:26:10 - 00:20:08:22

So schedule two takes place in the next agenda item. So I'm going to jump to schedule ten protective provisions, a note that there's a significant number of prospective provisions for statutory undertakers and also other parties. And also note that in search. Are looking to have some form of protective provision. Um, so, so far we have protective provisions identified for electric gas, water and sewage undertakers, which is part one operators of electric communications, electronic code, Communications Codes Networks Part two.

00:20:08:24 - 00:20:38:27

National Grid is an electricity undertaker. Part three National Grid is a gas Undertaker. Part four Cadent Gas Limited. Part five Network Rail is covered by parts six local highways Authorities are Part seven Natural Resources Wales as part eight, The Canal and River Trust is Part nine. Scottish Power Manweb Part ten Airbus Operations Limited, Part 11 and excellent as Part 12. And.

00:20:40:12 - 00:21:00:14

And the applicant. Um. Provide me with an update in regard to those protective provisions and where you've reached obviously without. Prejudice in any position you have actually reached. But but can you just give me a brief update as to where you are with all of those, please?

00:21:02:05 - 00:21:08:28

Paula Majidi for the applicant. Yes, sir. I'm going to apologize. My list has been done alphabetically and in the order that you just listed. It's fine.

00:21:09:00 - 00:21:09:15

Thanks.

00:21:09:17 - 00:21:29:16

Fine. Um, so starting with Cadent, they have provided their standard and sorry protective provisions and side agreement. We have some comments. We don't think there is anything insurmountable. There is nothing that cannot be resolved. There are a couple of commercial points under negotiation and we expect to be able to make progress on those in the next two weeks.

00:21:31:12 - 00:21:47:24

The Canal and River Trust have also provided their standard protective provisions. They are with us to go to revert to the Canal and River Trust. Again, we don't think there are any points that are resolvable and we will be reverting to them as soon as we can, hopefully next week.

00:21:50:12 - 00:22:16:25

Uh. See if fertilizers who own the ditch up at the north of work one day have requested for the works around that ditch. Sorry. Protective provisions do apologize, requested protective provisions for the works around that ditch in relation to access and drainage there. The principles have been agreed. We don't see any insurmountable issue. We just have to produce the draft for them to comment on.

00:22:19:28 - 00:22:23:24

The Environment Agency have also provided their standard protect provisions.

00:22:25:27 - 00:22:37:14

We are due to provide comments back to them. They are reasonably short course. There is nothing that we are particularly concerned about and we expect to return fairly positive comments and short course.

00:22:41:05 - 00:22:52:24

Excellent likewise have provided standard protective provisions and likewise there, although they are with us for return, there is nothing in there that we think would be an insurmountable issue. It's fairly small points.

00:22:56:11 - 00:22:59:13

National Gas transmission.

00:23:02:06 - 00:23:24:08

The standard peeps are largely agreed. There are two outstanding points. They are both commercial. They are both around financial obligations. We are working on those and we hope to make progress in the next two weeks. The National Grid Electricity Transmission Standard provisions are in largely similar wording, and it's exactly the same points that we are negotiating with them at this time.

00:23:27:29 - 00:23:49:15

National highways. We have one meeting set up with national highways on the land side. We need to set up another meeting on the side to discuss those where we are a little distance apart on the protective provisions and we think they would benefit from a discussion rather than exchange of drafts. At this stage I am aware of national highways are online if they wanted to comment on those protected provisions.

00:23:51:16 - 00:24:16:04

Network Rail have provided again standard protective provisions. The protected provisions themselves are largely agreed. They do oblige us to enter into an asset protection agreement. We have been provided with a standard form of that. We are reviewing it. It has already pages long. It is taking us a minute or two, but we are working on it. As soon as we are sure we can be comfortable with that, we can progress the protected provisions.

00:24:22:06 - 00:24:25:24

You have provided, again, standard protected provisions.

00:24:29:27 - 00:24:37:28

We do not see any insurmountable issues. There are very small points between us and we hope again and we hope to progress those in the next couple of weeks.

00:24:42:26 - 00:24:59:05

British power have provided standard protective provisions. There is one. There is one point ongoing about. When they need to be notified and give consent to non-intrusive works versus intrusive works. It's under negotiation, but otherwise those protective provisions are largely agreed.

00:25:01:22 - 00:25:11:18

United Utilities have been sent protector provisions. We are awaiting feedback from them. I can't give you any further update on that at this time, I'm afraid.

00:25:14:28 - 00:25:41:11

Uh, Welsh water have also. Been engaged on protect provisions and are seeking some additions to the wording that has been provided. We require to have a discussion with them. We need some clarification on what they are seeking, but we don't think it's an insurmountable issue. We just don't we are not entirely clear what it is they are asking us for. Not on that list. You will have noticed, as in Cirque.

00:25:42:28 - 00:25:57:24

I did not until this morning have instruction to progress protective provisions. Then we're very happy to do with that. To do that, we would need to have a short discussion with them, the first instance to check what they need to cover. But in principle, we have absolutely no objection to doing that.

00:26:11:25 - 00:26:14:13

Okay. Is that everybody? You're covered.

00:26:15:00 - 00:26:15:15

Um.

00:26:17:04 - 00:26:35:17

Airbus are in the they're not currently on that list because at this stage there is no draft. There are site meetings ongoing as there are the specialists have been talking to each other about precisely what the interaction is to guide the drafting of the piece. It's taken a little while to set that meeting up and it is on our list.

00:26:36:08 - 00:26:44:18

Okay. It's just they are listed in the DCO index. So, um, so just going through.

00:27:02:03 - 00:27:19:03

Um, clearly protected. Part one is electricity, gas, water and sewage undertakers. That is separate from national grid electricity or natural gas, which is separate. Is there an update with regard to that protective provision or is that just a standard protective provision that goes in all across.

00:27:20:04 - 00:27:30:01

Parliament for the applicant? Yes. So that is the standard protective provision that covers any statutory undertaker that does not specifically interact with us or ask for bespoke ones.

00:27:30:27 - 00:27:34:29

Same applies to telephone telephone communication system operators.

00:27:35:21 - 00:27:41:29

Yes. Again, for the applicant. Again. Sorry. Yes. That's the generic one that would cover anybody that didn't specifically engage.

00:27:42:01 - 00:27:54:21

I've seen them in the previous CEOs I've worked in, but just seeking clarification, that was all. Um, Natural Resources Wales. I don't think you mentioned them. Did you mention them?

00:27:56:22 - 00:28:24:21

All Let me give you for the applicant Natural Resources Wales. Um, I wonder if there was a, there's been a communication issue there. We understood that they had asked for protective provisions to regulate access to their assets, particularly flood assets, without outside of their statutory rights of access. I note in the response to previous responses that they are unhappy with the drafting of that section. So at the moment that's on hold while we have that conversation with them.

00:28:32:13 - 00:28:34:07

Okay. Thank you. Um.

00:28:36:12 - 00:28:38:24

Just checking what else I've got.

00:28:44:25 - 00:29:00:24

Okay, so I've got nothing else there. But coming back to the two parties that are actually present. So that's that's national highways. Do you have anything, national highways, Do you have anything to say with regard to the protective provisions as currently set out in the draft? Develop consent order, please.

00:29:03:03 - 00:29:30:26

I Tanzi Galvan for National Highways. As Paula has alluded to at the moment, with some way apart on the protected provisions. National highways has submitted the form of protective provisions required by them both to the applicant and to the examining authority. And as Paula said, think further discussion is required on that and we're happy to make further submissions in writing at the deadline of the 20th of June.

00:29:31:14 - 00:29:52:12

Understood that. That's fine. Thank you. I'm not going to mark that as an action point, but I will expect to see something though. Um, and that leaves insert. Um, do you want to say anything in regard to what you've heard in response from, from the applicant in regard to their instructions this morning?

00:29:53:09 - 00:29:57:13

Perhaps Sarah would can say something because she's put a hand up. Okay.

00:29:57:18 - 00:29:58:12

Thank you.

00:29:59:03 - 00:30:31:09

And so on behalf of NCA and yes, just say welcome the applicant respond saying that they're happy to have some form of protective provisions. Apologies. I couldn't be at the hearing yesterday, but I understood it was set out in a bit more detail yesterday about the particular sensitivities of the site in relation to the access issues, bonded warehouse issues and the fact that it's subject to the regulation. So it's really those sensitivities that we're looking to manage with the applicant as well as the development plans for insert coming forward.

00:30:31:11 - 00:30:47:11

And we do think that these could be managed by way of protective provision between the parties, setting out how things will work going forward. Um, so we would welcome a meeting with them to discuss that in, in further detail and to get some some drafting over and into the DCO. And we'll keep you updated on the progress with that.

00:30:47:23 - 00:31:18:08

Okay. That's, that's completely understood. In actual fact, the digital recording will be available shortly of yesterday's meeting, so I don't know when exactly it will be published, but it will be published. All three hearings we've had this week will be published on our website. So if you wanted to actually see word for word what was said, you should be able to access the digital recording at some future point within a few days of now. Um, thank you very much. So did you want to say anything else in the room?

00:31:19:01 - 00:31:54:14

Uh, well, if it would help just to sort of outline really the. The areas that we think the protective provisions should cover. Right. Specifically, we're talking about the relationship of our client's operation of its rail link. So we talked about the depth of the pipeline parameters earlier, and we would expect that issue particularly to be picked up and probably back to back with discussions with Network Rail over that.

00:31:54:16 - 00:31:58:18

And yesterday I outlined the desire for

00:32:01:05 - 00:33:08:03

or horizontal directional drilling underneath three rail lines in the location of works number four. And that involves underselling the rail link to fertilizers and Peel Protoss Park, the encircle plant and then the network rail mainline. Um, so we would, we would expect that to be considered, but also within the actual area where subsurface rights are being acquired in the and the limits of deviation for the pipeline, that location also is where Encircle proposed to take an extra junction off the existing rail sidings to access the land that I pointed out to you, sirs, yesterday, where they will be putting in enhanced intermodal facilities to accord with the requirements of Cheshire West and Chester Council in respect of the 106 agreement that we we is operative at the site for rail freight.

00:33:08:05 - 00:33:21:09

I've read about that one A6 agreement by think it was a submission from Chester, Cheshire West and Chester Council actually, and they helpfully provided me with a copy of it, I think, or at least the outline of it. So.

00:33:22:10 - 00:33:22:25

Um.

00:33:23:14 - 00:33:33:17

And then and then as Sarah would outline, we're then, um, wanting to have provisions protecting insects. Um.

00:33:35:18 - 00:33:44:03

Uninterrupted and continued use of its own site where access is being proposed.

00:33:48:22 - 00:34:23:18

From winsome road through to the work's number one areas, and that is very much in respect of the bonded. Status of the site and HMRC. And so the provision that we need to. I'm not sure how they'll work, but the provisions need to somehow allow N6 agreement with HMRC to remain unaffected and so that insert can operate within it. Yeah. If the applicant is to get access somehow.

00:34:23:20 - 00:34:26:21

Yeah. In or around that part of the side.

00:34:27:24 - 00:35:06:07

I understand that. I'm sure the applicant will be in contact with you imminently to start discussions. Um, the way I've experienced this before, where there there are a number of matters to resolve. The two parties, excluding the examiners, examining authority, um, discuss and come up with a set of protective protective provisions upon which they agree. If they can't agree those protective provisions, the party that doesn't agree normally provides a set of protective provisions where they believe they could agree.

00:35:06:09 - 00:35:37:13

So there's an alternative. And that's entered into the examination so that the inspectors on the examining authority have the ability to look at the two and to try and find potentially a middle ground in a finalized recommendation to the DCO. Because whatever we do in terms of the recommendation, whether we recommend the development consent order be made or not, we have to provide the Secretary of State with a finalized version of the development consent order.

00:35:37:28 - 00:36:15:03

Um, just in case the Secretary of State doesn't choose to go in line with whatever recommendation we make. So there is potentially a fallback position in that event. Um, so it's good to get these matters resolved as early as possible. Um, it's a bit of a shame. We're now two and a half months into the examination already without anything being instructed between the two parties. But that's, you know, it's what it is. Um, what I would say for both parties is it's in your interest to resolve these as quickly as you can.

00:36:15:10 - 00:36:45:17

And specifically with regard to the applicant, it's important that you can get it resolved in terms of all of the protective provisions as far as you can before the close of the examination and hopefully well before the close of the examination, because it's unhelpful for me to be chasing people on protective provisions on the day of the close of the examination. Um, anything that's received post close of the examination cannot be taken into account by the Examiner and 14. I will not see it.

00:36:45:20 - 00:37:05:12

So if you can get the matters resolved between the parties before then, I would be very grateful. Um, or at the very least, alternative provisions that you would agree to. If you can't reach agreement. Thank you. That's all I've got to say. Would you like to respond at all, or have you got anything further to say?

00:37:05:24 - 00:37:07:24

No, sir. That's very that's very, very clear.

00:37:07:26 - 00:37:11:05

Thank you. Good. Would the applicant like to come back at all?

00:37:25:05 - 00:37:35:02

At Paul McCartney for the applicant. We are aware of all those points. We were very happy to go and speak, to answer. And we we note your. Enthusiasm rejected.

00:37:35:04 - 00:37:35:21

Professions.

00:37:37:06 - 00:37:37:24

Fair enough.

00:37:39:28 - 00:37:56:12

Thank you very much for that. So I'm just checking. I've covered everybody. Have I missed anybody that is seeking protective provisions that is present today, that wants protective provisions? Can you raise your hand if you're in the room or switch your camera on if you're virtual?

00:37:58:06 - 00:38:00:17

Nope. Sorry, sir. Oh, sorry.

00:38:00:19 - 00:38:32:02

Apologies me. Um, Michelle Spark, on behalf of Cheshire West and Chester not forgetting part seven. Right. And the protective provisions in relation to the local highway authorities and the applicant kindly provided an updated draft yesterday evening. And we are looking to have a meeting next Wednesday to discuss those. And it was just to remember that we've got those protective provisions and for both local highway authorities and that's all I've got to say at the moment.

00:38:32:04 - 00:38:33:02

So erm we'll update you.

00:38:33:11 - 00:38:36:19

Okay, that's fine. I'm assuming the same position applies to Flintshire, does it?

00:38:36:24 - 00:38:41:05

Susan Cordner for Lynch County Council. Yes. We're in the same position as Cheshire West. Fine.

00:38:41:07 - 00:39:07:03

Thank you very much. Okay. I've understood that. I've got a note of that. As far as I'm concerned, there's no action points arising from any of that. Um, so I'm going to move on. I've still got some questions I want to ask about protective provisions. Um, one of my questions was I'm aware the are asking for protective provisions, but you've already covered that. I'm not going to ask that any more. Um.

00:39:09:05 - 00:39:20:22

I note that Chester West, Cheshire West and Chester Council had reserved its position, but I'm assuming that's you're in discussions and you're going to come back on that, so I don't have anything else regarding that.

00:39:27:05 - 00:39:51:05

Just a comment with regard to your protective provisions you made. You made a comment with regard to the lead local flood authority and protective provisions specifically related to that. That's outside of the Highways Authority, clearly. Um, are you looking for separate protective provisions in relation to that or are you still pursuing it or what are you doing?

00:39:51:24 - 00:40:15:00

Michelle Spark on behalf of Cheshire West and Chester Council, I think that the answer to that is best served when we discuss requirement eight right? And think the outcome of that discussion and clarity from the applicant may either repeat our need for the protective provisions and that would be separate provisions in relation to the drainage authority, or it may delete the need for that altogether. Okay.

00:40:15:02 - 00:40:20:11

All right. I'll wait till requirement eight. But again, if I miss it, please prompt me.

00:40:22:18 - 00:40:29:16

Because obviously I've got loads of questions written down here but don't necessarily have yours written and can't drop to the bottom of the page to write it in.

00:40:29:19 - 00:40:35:04

So Michelle Spark, on behalf of Cheshire West and Chester Council, of course. No problem at all.

00:40:39:01 - 00:40:50:27

Just a final question is, is there anybody else that you're aware of that you haven't mentioned that is seeking protective provisions or likely to seek protective provisions that haven't currently been identified on the list? I'm guessing the answer is no, but.

00:40:59:13 - 00:41:08:20

Follow what you do for the applicant. No, not that we're aware of. We have not yet concluded discussions with SHR. They may yet ask for them, but at the moment they are not asking for them.

00:41:08:27 - 00:41:13:05

Right. Okay. So there's a potential that might be seeking.

00:41:19:07 - 00:41:49:21

Okay, Understood. Does anybody else want to say anything in regard to protective provisions? Um, any of those I've listed or anything in general in regard to protective provisions? I have nothing further on this, this agenda item. So unless there's anything Q raised now, I'm going to move on to the next agenda item, which is schedule two. Um, the, of the draft, which is the requirements schedule. Got no indication. So I'm actually going to move on. Um.

00:42:00:18 - 00:42:28:00

Look. So discussions today in regard to the requirements is is on the wording rather than the content specifically. Uh, we're not proposing to talk about specific issues, but rather look at the requirements in a way it's worded and whether it be would actually secure the. Whatever its seeking to secure either mitigation or management of works or whatever is necessary. Um.

00:42:40:04 - 00:42:48:00

Does the applicant want to give a brief overview of the requirements? Or would you rather just go through them one by one?

00:42:50:09 - 00:42:57:18

Paul McCartney for that booking, I am not sure would be of assistance to you for me to tell you what the requirements do for us.

00:42:57:20 - 00:43:08:08

I've read them and I know them, but I just wondered if you I'll give you the opportunity, but if I'll carry on on that basis. So discussions today, as I've said, is on the wording.

00:43:11:04 - 00:43:12:20

There's a lot of detail.

00:43:17:03 - 00:43:29:11

A lot of detail and agreement was was had with regard to the first written questions and subsequent drafts and subsequent correspondence between the relevant parties. So what I would say is that.

00:43:32:29 - 00:44:02:28

Should we not ask a question about a specific requirement? That is not because we consider that all matters have been resolved in relation to that requirement or that specific issue. It's just that we're relatively comfortable with the wording that that has been put forward in its current form. Um, but obviously you have the ability to raise questions about any of the specific wordings as we go through and would do with the same thing again as I did with the schedules. I'll go through each one individually, even if I haven't got any comments on it.

00:44:10:08 - 00:44:14:20

So starting with the requirements.

00:44:16:09 - 00:44:18:09

Let's go turn to the relevant page.

00:44:34:20 - 00:44:45:23

Got requirement one, which is interpretations. I have no specific questions about requirement one. Does anybody want to say anything about interpretations? Requirement one.

00:44:48:02 - 00:44:49:25

I'm gonna have a drink and be dry.

00:44:55:02 - 00:45:00:23

Requirement two is time limits. Does anybody want to say anything with regard to time limits?

00:45:02:27 - 00:45:08:26

Get no indication I'm going to move on. Requirement three is stages of authorized development.

00:45:15:15 - 00:45:41:09

Okay, so I've got a few questions related to this. Um, and basically in response to comments I've seen from the relevant local authorities. Firstly, it's a point I'd make is that the requirement as it's written only requires the details to be submitted and it doesn't to a relevant authority. It doesn't actually require that relevant authority to approve any of those details. So I'd like to ask you if that's a drafting error.

00:45:43:04 - 00:46:18:06

Well, let me get you for that book. No, sir. That is a deliberate decision. The intention of this requirement is to give the council's advance notice of how we intend to carry out the works, both for their communications and for their workload planning, so that they have an idea of when we would be looking to put in discharges and that they would have to address. And we have been asked if we could add the work numbers requirement to specify which work numbers are which stage their requirement. We are very happy to do so, but we are not proposing to make that for approval.

00:46:25:28 - 00:46:30:26

And I ask Cheshire West and Chester Council, they'd like to respond at all.

00:46:33:07 - 00:46:43:05

But Greenwood, Cheshire West. Yeah, this this was raised in one of our written representations and we would yeah, we.

00:46:43:14 - 00:47:06:24

We did look at this and was being discussed with, with the applicants in terms of the actual approval and, and think we came to a point where we we agree maybe they didn't need to actually approve but we do need a definition of what a stage is. Yes. I think they've just, just just alluded to it needs to have work numbers. It needs to define what a stage is and when does a stage start.

00:47:06:26 - 00:47:07:11

And finish.

00:47:07:20 - 00:47:11:24

That. There's um, so that's, that's one of our main parts and.

00:47:11:28 - 00:47:31:03

That seems to me to be the stage issue seems to be a theme through the, the whole of the responses from both authorities in actual fact and the definition issue. And I have picked up on it and I do have some questions about stage, um, so I haven't forgotten him, but so I'm cutting across you. Would you like to carry on?

00:47:31:09 - 00:48:12:12

Um, it was just the other part as well is that there's nothing in that requirement to make the applicant or the operator actually implement the development or the project in accordance with those stages. Yeah. So whilst maybe the council wouldn't, wouldn't need to approve the stages, we just know what stages I've just, just just iterated and also need to know, um, but the applicant of it will actually undertake it in accordance with those stages. So we would need some assurance to know and it would basically keep us in the know that they're actually going to do the project in accordance with the stages that they've actually provided, because at the moment there's nothing in there to make them actually do that.

00:48:12:17 - 00:48:25:14

Okay. Um, before revert back to the applicant, I'm going to ask Flintshire if they want to comment. Um, would you like to add anything or are you just happy to, to agree with what you've heard?

00:48:27:17 - 00:48:58:20

She said she county council we would we would concur with Cheshire West and Chester with that approach. We acknowledge that we as authority wouldn't need to approve what stage went where, and that probably wouldn't be appropriate. But clearly with with what my colleague from Cheshire West said, that's something we need to have some kind of a control in terms of to ensure that that they do implement this. What is being submitted in terms of the requirements and the detail.

00:48:58:25 - 00:49:16:21

Understood. Understood. I did have both of those bits written down in subsequent questions under this one, but won't now read them. But um, can I come back to the applicant and just see whether or have a response that you wish to provide.

00:49:18:06 - 00:49:29:14

For the applicant? We have no objection to adding in either of those points. Better definition of stage works numbers start Spanish and the requirement to comply with the staging plan that we have submitted.

00:49:30:26 - 00:49:48:21

Okay. That's fine. Um, as a general comment, I've noted that implementation is mentioned in several of the, the, the requirements from comments that other parties have made comment on, mostly from the, the, the local authorities. Um.

00:49:50:09 - 00:50:15:20

So. So you implement the development. Is there any need to maintain that implementation in accordance with the details? Agreed. You know, not necessarily thinking about this, this particular one, but so for example say the drainage works condition. Um. Or requirement, I should say.

00:50:17:18 - 00:50:52:08

I could implement it, could get it agreed, I could implement it. But, you know, the moment I've implemented it, I could then go, Well, don't need it anymore. So is there a should you have a requirement to maintain for the duration of the development or duration of the construction? It's just a point I'm putting out there. Um, you know, because. Because if I can say I've lawfully complied with the implementation, but then don't subsequently use it or maintain it, what's the point of it in the first place? And will that satisfy the local authority's requirements?

00:50:54:20 - 00:51:21:13

Paula McCarthy for the applicant. I don't think I entirely agree with with your interpretation of employment as meaning commence and then it doesn't matter. So for surface water strategy for for

example, would be to put the drainage works in place. We would implement the design that had been approved. That would mean all the design. Mhm. Um, I'm struggling slightly to see the issue that's concerning you, sir.

00:51:22:22 - 00:51:28:01

Sorry to interject. Suppose the point might be partial implementation.

00:51:28:28 - 00:52:12:16

Were entirely possibly. But, you know, it's perhaps it's a it's a moot point. Maybe. Um, but I think if you if you see the way most local authorities write conditions on planning applications, they will say the applicant shall implement and maintain the development in accordance with the approved details. And the whole point of that generally is in relation to ensuring that you undertake the works, which is the implementation bare, but then you continue to use those works in perpetuity or as as long as it's required in relation to the development.

00:52:12:28 - 00:52:24:17

Um, I think the point I'm really making and as I say, maybe I'm being pedantic and. Unnecessarily difficult on this issue, but

00:52:26:16 - 00:52:47:07

in a court of law. If I said you're not complying with your requirement and you came along and said, well, we had it approved and we put it in, but the fact that we don't actually use it, it's neither here nor there because there wasn't a requirement to actually continue to use it. So I think that's the point I'm making.

00:52:49:11 - 00:52:51:09

At Paul McAdoo for the applicant.

00:52:53:03 - 00:53:24:21

I wonder if maybe we're misleading ourselves looking at the drainage design because most of these apply to schemes. So for example, the construction traffic management scheme, the authorised development has to be implemented in accordance with that approved scheme. I don't think it means we can use on day one and not use it. I don't think any court would accept that was a valid argument. Right. Okay. And this wording was standardised and subject to other requests that were other wordings, such as carried out in accordance with and they were all standardised to implement it in accordance with an earlier request.

00:53:24:23 - 00:53:29:10

If it is simply the use of the word implemented that is causing the concern, we can revisit that.

00:53:30:16 - 00:54:06:26

No, not necessarily, because implemented is a is a standard wording. But but as I say, it's just it's just a throwback to having been a planner for 35 years and seeing the way authorities write conditions. The issue of maintain always seems to come up. Can I ask you just to give it some further thought, if you still think that I'm being overly pedantic, I'm quite happy to, to, to step back. Um, but I'd like at least some justification as to why you don't believe that wording is required.

00:54:07:08 - 00:54:09:18

Can I mark that down as an action point, please?

00:54:12:03 - 00:54:26:01

Paul McCartney. Very happy to do that, sir. But I would like I do think there is a difference between the construction phase plans maintaining those and things like drainage works where maintaining makes more sense to me immediately. I'm very happy to relook at that.

00:54:26:09 - 00:54:27:05

All right. Thank you.

00:54:28:21 - 00:54:50:28

Thank you very much. Um, does anybody else want to say anything with regard to requirement three stages of authorized development? Bearing in mind what the councils have said with regard to the different points that they've made about it? Um, and the definition of stage. Um, does anybody else want to add anything?

00:54:53:20 - 00:54:59:26

Okay. In that case, I'm going to move on. I'm moving on to requirement four, which is game design.

00:55:01:19 - 00:55:20:00

Can I ask the applicant why the word general? As in the authorized development must be carried out in the general in general, accordance with etcetera, etcetera has been used. This goes really to precision. It's a bit vague, to be honest with you.

00:55:22:03 - 00:55:34:25

Well for the applicant. That is because we do not yet have a detailed design and the plans which are before you are indicative. So the final design may not be exactly. In fact, it's most likely will not be exactly the same.

00:55:39:08 - 00:56:06:01

Okay. I understand that. And noted that Cheshire West and Chester Council have questioned the definition of environmental effects. Um, the applicant has responded by pointing out that it's standard wording in many development consent orders. Can the applicant comment on the source of the wording is, for example, it taken from text within legislation?

00:56:08:17 - 00:56:14:06

Comment for the applicant off the top of my head. I'm afraid I don't know the answer to that question. Will need to come back to you.

00:56:15:05 - 00:56:19:06

Okay, that's fine. That is an action point if you can map.

00:56:48:08 - 00:56:48:23

Okay.

00:57:04:17 - 00:57:40:18

Noted that both Flintshire County Council and Cheshire West and Chester Council are arguing that there is an element in the process of self-determination in relation to this requirement. Um, self approval, we should say, I think is the term that they've used. Um, I was wondering whether either authority could clarify what they meant by that, bearing in mind requirement for brackets for, um, requires details in regard to various work numbers to be submitted to the relevant planning authority for approval.

00:57:41:00 - 00:57:43:03

Um, the.

00:57:47:02 - 00:57:56:04

I think I'll come to to Chester, Cheshire West and Chester Council first, please. In that regard, do you. Is there anything you want to say in relation to that?

00:57:56:27 - 00:58:17:21

Michelle Spark on behalf of Cheshire West and Chester Council, Sir, can we come back to you in writing on that one? I've just relooked at our comments and they don't quite correlate with the draft wording. And so would it be okay if we came back to you in writing? Just clarifying our position on that one. Yep. Thank you, sir.

00:58:27:03 - 00:58:32:25

At same question to Flintshire. Do you want to defer and come back later stage or.

00:58:32:28 - 00:58:38:12

Likewise, we are, you know, collaborating, working together with regards to the project. So yeah, thank you.

00:58:38:15 - 00:58:44:15

Sort of gathered that reading your responses which were very similarly worded, I should say so.

00:58:51:24 - 00:58:53:01

Rights. Okay.

00:59:02:17 - 00:59:40:06

Okay. Just to just a point of note requirements for brackets for four brackets, five for brackets, six. Um, they may need to be reviewed in the light of the change request, but I'm sure you've got those in hand. Um, requirements for seven for bracket seven. Um. It was the same note in that about implementation. Um, and whether or not there should be a requirement to maintain. Um, what I won't do is if you're reviewing all of the requirements with regard to that comment made about maintain and implementation.

00:59:40:13 - 00:59:55:06

I won't labor the point any further. Um, so I won't mention it again, but if you can review it in all the requirements, I'd be grateful. Um, does anybody else want to say anything with regard to requirement for which is the scheme's design?

00:59:58:05 - 01:00:03:28

Doing nothing virtually. Oh, I've got one hand up. And Marie McLaughlin, please, for the Environment Agency.

01:00:04:28 - 01:00:48:19

Thank you. Anne-Marie McLaughlin, Environment Agency. Just to reiterate the point that raised under Article six earlier, we'd request consideration of additional wording within the requirement to ensure the pipeline depths, particularly with regards to crossings on watercourses and flood defences, are informed by the applicant's environmental assessments that establish ground conditions and fluvial dynamics. So ensuring compliance with the Water Framework Directive. Um, we believe from our perspective that this will be essential to determining the appropriate pipeline depths and ensuring impacts on water bodies are minimised and also refined mitigation measures, um, for the detailed design stage if they are required.

01:00:52:01 - 01:00:57:02

Okay, that's. That's understood. Thank you. Does the applicant want to respond at all?

01:00:59:14 - 01:01:03:06

So it gets you for that. We all revert to you in writing, sir.

01:01:03:11 - 01:01:04:24

Okay. Understood.

01:01:20:15 - 01:01:24:14

And does anybody else have anything to say with regard to requirement for.

01:01:26:22 - 01:01:57:00

In that case, I'm going to move on. I've got no hands, no signal on virtual either. Requirement five, which is the construction Environmental Management plan, otherwise referred to as the SIMP. Um, Network Resources Wales. Um, National Resources Wales should say sorry. Environment Agency National Highways and the Canal and River Trustable requested to be consultees in regard to this this item. So it's just flagging that up to you. I'm sure you've already picked it up.

01:01:59:00 - 01:02:33:09

Um, as with requirement three, Flintshire County Council and Chester West and Chester Council have highlighted the word the use of the word stage and ask whether it's appropriate. Um, and also Cheshire West and Chester Council have asked whether the works numbers should be added to define those those um as defined on the word spend should be used. Um. Bearing in mind your response to requirement three. Um. Or Chester, Cheshire West and Chester Council seal raising.

01:02:33:11 - 01:02:36:28

This is an issue to such wording. Um.

01:02:39:27 - 01:02:50:18

I'm assuming in actual fact that the applicant is is still same response as you gave to a requirement three that you'd be willing to add works numbers into the the requirement.

01:02:53:01 - 01:03:03:26

Well, I'm giddy for the applicant. Yes. Or think if we have already done that and defined the stage, the point is possibly superseded because what encompasses the stage would be very clear.

01:03:04:00 - 01:03:04:15

Okay.

01:03:04:24 - 01:03:05:13

Understood.

01:03:07:12 - 01:03:12:17

Michelle spoke on behalf of Chester West Chester Council. I completely agree with the applicant, sir.

01:03:12:19 - 01:03:15:22

Okay, that's understood. As long as it's resolved, I'm quite happy.

01:03:26:27 - 01:03:56:01

Can I just ask about the the comment that French County Council made in that case in regard to the Mineral resources management? Um, they they were raising concern about whether or not that was specifically included within the, the construction environmental management plan. And we're asking for consideration of its and its. Now note that in the subsequent update there is a minerals management plan listed, but does that satisfy what Flintshire County Council were trying to achieve in that regard?

01:03:57:20 - 01:04:38:16

Part of Parish Century County Council. Yes. So in terms of the point of the camp, the materials management plan, we were. We were under the understanding through discussions with the applicant that that material management plan would also include minerals. Right. And I was quite keen on the wording of that management plan being material and minerals management plan to ensure that that wasn't something as an afterthought. But we're assured that that outline materials management plan will be provided at a subsequent deadline so that we'll be able to see that and the detail of that and.

01:04:39:12 - 01:04:43:02

As long as the content of that is the fact that you're.

01:04:43:04 - 01:04:43:19

Expecting.

01:04:44:08 - 01:04:50:06

Covers that concern to make sure that any incidental minerals are used appropriately.

01:04:51:20 - 01:04:55:15

Does the applicant have any indication of when they're likely to be in a position to submit that.

01:04:56:11 - 01:05:03:18

All you do for the applicant for the materials management plan? Deadline for for the remaining outstanding outline management plans? Deadline five.

01:05:04:06 - 01:05:05:04

Thank you very much.

01:05:12:09 - 01:05:13:17

That's requirement.

01:05:15:05 - 01:05:32:09

I've covered as far as I'm concerned. Does anybody else have anything they want to raise with regard to requirement five? Sorry, I'm gonna put my teeth in. Um, which is the construction Environmental Management plan. Uh, Emery McLachlan plays for the Environment Agency.

01:05:34:15 - 01:06:10:17

Thank you. I think this will be raised a little bit in a little bit more detail in regards to requirement nine, but thought it'd be useful to raise at this point that in terms of the application applicant's ongoing work regards to ground investigation and assessment, that will influence the camp and therefore we'd like to see some consideration, um, that any work undertaken in terms of the grant investigation and assessment is reflected also in the Kemp and considering some of the contaminants of concern that may be identified.

01:06:19:29 - 01:06:23:21

Okay, understood. Does the applicant want to say anything in response?

01:06:25:15 - 01:06:38:21

Paul giddy for the applicant. The intention very much would be that the camp would deal with any contaminants identified and may be of assistance to the Environment Agency to review the materials management plan and other outlined plans as and when they are submitted.

01:06:39:18 - 01:06:40:03

Okay.

01:06:40:06 - 01:06:41:02

Understood.

01:06:45:14 - 01:07:13:12

In that case, I'm going to move on. Don't need to ask for any further clarification in that regard. Um. Requirement six is construction traffic. Just to point out, the Canal and River Trust have asked to be a consultee. The same point has been made with regard to stage um, in relation to this. That's all I have in relation to construction traffic. Does anybody else want to raise anything with regard to requirement six construction traffic?

01:07:16:07 - 01:07:48:24

Okay, I'm going to move on. Construction requirement seven, which is highways access. Um, I have nothing. Well. I have nothing specific in regard to. Requirement seven, which is Hovis access. Does anybody want to raise anything specific on the wording of this requirement? Got no indication in the room. No indication online. Requirement eight is surface water drainage. Um, does anybody think people said that they wanted to come back on this and, uh.

01:07:50:05 - 01:07:55:10

Mrs. Spark was going to remind me, wouldn't you? So would you like to speak, Mrs. Smith?

01:07:55:27 - 01:08:33:17

I would do. Thank you, sir. Michelle Spark, on behalf of Cheshire West and Chester Council. And I've taken instructions on requirement eight, and I think there's some concern regarding the outline surface drainage strategy. And the reference for that is. So that's Alpha Papa. Papa Two for one. The concern from my client side is that that's a really high level strategy. And and there's some concern that the any works required to the ordinary watercourse would not necessarily be included.

01:08:34:11 - 01:08:50:08

So requirement eight and the need for a surface water drainage plan for permanent works and it doesn't include temporary works and may not include everything that is normally required. So.

01:08:51:25 - 01:09:07:21

I think we were hoping that the applicant would provide us with further clarity and that protective provisions wouldn't be required in respect of the normal, ordinary watercourse consent process. Does that make sense, sir?

01:09:08:17 - 01:09:09:07

Since 20.

01:09:10:15 - 01:09:11:29

The applicant respond to, please.

01:09:13:24 - 01:09:46:17

Uh, I'll make you do for the applicant. Entirely agree that the strategy is a high level document because we do not yet have a detailed design, and that is intended to guide that detailed design. The, um, the surface water drainage plan for the permanent works is that it is the planner does the full details, which would include the connections to ordinary watercourses. If what the council are looking for is more specification of those details, we are very happy to talk to them about it. And the strategy could, for example, include a paragraph that says the detailed plans will include X, Y, and Z.

01:09:46:19 - 01:10:01:17

That is absolutely not a problem. As far as temporary works go, I am not aware of any proposals at the moment to drain temporary work stored in watercourses. So that is why there are no details to share with the Council.

01:10:03:29 - 01:10:52:24

Three, Michelle Spark on behalf of Cheshire West and Chester Council. And I'm just taking instructions at the moment, and this is to provide further background on the concerns that the lead local flood authority has. And there are a number of significant ordinary watercourse crossings within the proposals with some known areas of flood risk associated with these. And that's why we need appreciate we're not at detailed design yet, so we're sort of stuck between a rock and a hard place in some respects. And but there are some concerns and wonder whether it's best that those are taken offline with the applicant to discuss what is required, whether that is a clarification to that line surface drainage strategy, whether that's an amendment to requirement eight or whether additional protections are needed.

01:10:52:26 - 01:11:03:09

Yeah, I totally agree. It's something that needs to be discussed between the parties. Can I ask whether Flintshire have a similar concern? You do? Okay.

01:11:03:15 - 01:11:11:21

Susan Gordon County Council. Yes, we have similar concerns as outlined earlier and we would be looking to have more detail.

01:11:11:23 - 01:11:12:08

All right.

01:11:15:17 - 01:11:21:16

I'm sure the applicant is going to be in dialogue with you. But would you like to to respond?

01:11:22:22 - 01:11:35:26

Thank you, sir. Our parliament for the applicant. There's two slightly different issues going on here. There's the connections for the permanent works, which would require that we're talking about the sort of the flood risk and the.

01:11:40:09 - 01:11:43:20

So we're getting, we're getting some feedback. So, um.

01:11:44:06 - 01:12:09:25

The, the other issues that were raised, the crossing of watercourses, the flood risk, those sort of issues, they would all be covered by the, the sub plans under the under requirement five, which includes groundwater management, monitoring plans, surface water management, monitoring plans, D water management plans. Those those controls are being provided for, but they're split across two requirements depending on if they're construction or permanent.

01:12:09:27 - 01:12:11:12

Yeah. Understood.

01:12:12:20 - 01:12:43:21

And I can leave it that you will discuss with the councils further and that at a future point, and I'm not going to mark this as an action, but at a future point you would advise as to whether or not you are satisfied or not. I mean, the assumption is that you will not be satisfied until you until you tell us you are satisfied. Um, and you can submit that at subsequent deadlines. I'm not I'm not putting a deadline on it particularly, but it's a matter that you do need to resolve between yourselves.

01:12:44:06 - 01:12:49:24

Michelle Spark for Cheshire West and Chester Council. Absolutely, sir. Leave that with us and we'll update you at the appropriate time.

01:12:49:27 - 01:12:51:00

Thank you very much.

01:12:51:08 - 01:12:54:04

I'm assuming Flintshire are happy with that arrangement as well.

01:12:54:16 - 01:12:56:11

Susan Gordon Flintshire County Council. Yes.

01:12:56:17 - 01:12:57:06

Thank you.

01:12:58:11 - 01:13:03:21

Does anybody else want to say anything in regard to surface water drainage at all?

01:13:05:19 - 01:13:19:05

Got no hands up, virtually no hands up in the room. I'm going to move on unless the applicant has anything finally to say. No. Okay. Thank you very much. In that case, I'm going to go on to requirement nine, which is contaminated land and groundwater.

01:13:23:18 - 01:13:54:04

Requirement nine brackets, two states where contamination has been reported to the relevant planning authority in accordance with subparagraph one. An investigation and risk assessment must be complete. I'd like to ask who's responsible for undertaking such a risk assessment and investigation work? Same applies to requirement nine three. Who's responsible for undertaking the detailed remediation scheme? Applicant council Other person.

01:13:54:24 - 01:13:57:05

Is there any clarification you can provide please?

01:13:59:14 - 01:14:04:18

Paul Getty for the applicant and. That would be us. I will revisit that drafting.

01:14:04:21 - 01:14:05:10

Thank you.

01:14:06:13 - 01:14:30:19

It's just a pedantic point again, but it's. It's about how it reads. Requirement nine five Flintshire County Council in Cheshire, West, Cheshire West and Chester Council raise the point concerning the need for a verification report to be approved. Um, I don't necessarily disagree with that comment. Can the council. Sorry, can the applicant respond to please?

01:14:32:26 - 01:15:04:00

Almost giddy for the applicant. We do disagree, I'm afraid, sir. We don't think that's necessary. And we think it is an unnecessary delay, given that we are already required to putting aside your point and implement which will revisit, have the scheme approved and then implement it. Keeping our worksite open for eight weeks or more while a verification report is approved simply means we are on site

longer but interfering with landowners and it just provides delay. Whereas the obligation is to comply with this scheme that remains.

01:15:04:08 - 01:15:11:26

Regardless, we have to comply with the scheme. Verification report just gives us a way to report on that. We don't really agree it needs to be approved.

01:15:13:10 - 01:15:22:01

And just just thinking the logic of that through what happens in the event that the councils are not satisfied with the verification report and you've already closed the work.

01:15:23:05 - 01:15:44:11

Well, for that look the same. That would happen in any other case where the council was concerned. We are not complying with the requirement and we would expect in the first instance they would liaise with us and ask us to remediate that. And I would note that this wording follows the precedent in the Southampton to London pipeline and the key to B3, which neither of which required verification reports to be approved by.

01:15:45:24 - 01:15:47:01

Whereas both of those.

01:15:49:12 - 01:15:51:04

With the councils. Like to respond, please.

01:16:02:03 - 01:16:27:08

For Michelle Spark on behalf of Cheshire West and Chester Council. And I've got some instructions in relation to this issue. It's not necessarily the enforcement, but how would we know it wasn't being complied with? If we have if we haven't approved it, how would we know that it hadn't been complied with? We don't we don't know what's not being complied with to enforce necessarily.

01:16:28:00 - 01:16:29:22

All right. Okay.

01:16:38:07 - 01:17:10:09

So it's Steven Holmes, planning officer, Cheshire West. Verification reports typically will be used for those in scenarios where a local authority wouldn't have been able to investigate by their own means whether or not a requirement in this instance had been complied with. So, for example, if you're in a situation where you can see on the ground as an enforcement officer that something has or hasn't been complied with and could do that investigation yourself, then that's straightforward. You would not need verification that that requirement has been complied with.

01:17:10:11 - 01:17:23:01

Think contamination is a quite specialized area. It's not always going to be clear to the local planning authority whether or not. The requirement has been complied with. Without that verification report, which is the value in this instance of securing one.

01:17:37:05 - 01:17:39:21

Would Flintshire like to add anything at all, please?

01:17:40:19 - 01:17:46:07

Is according to Flintshire County Council. Our land contamination officer is happy with the drafting.

01:17:46:18 - 01:17:47:13

It sounds.

01:17:47:15 - 01:17:48:22

Right. Okay, understood.

01:17:48:24 - 01:17:49:14

Thank you.

01:17:50:07 - 01:17:50:22

Um.

01:17:52:04 - 01:18:05:19

On what you've heard from Cheshire West and Chester Council and actually before come back to the applicant, we've got a hands up for Anne-Marie McLaughlin from the Environment Agency. Could she add anything to what we're discussing, please?

01:18:07:02 - 01:18:27:00

Thank you, Emory McLaughlin Environment Agency. Um, I think I'd just like to raise that. The Environment Agency would be looking at the contaminated land and groundwater requirement from a controlled water perspective. And I'd just like to bring my colleague here into this discussion, the beverage. So I'll defer to you.

01:18:31:00 - 01:18:34:11

Good afternoon, sir. Lee Beveridge from the Environment Agency.

01:18:35:03 - 01:18:35:18

I can.

01:18:35:20 - 01:18:45:19

Only reiterate what's been discussed in that it is imperative that we do receive a validation and verification report based on.

01:18:45:21 - 01:18:53:06

Any and all remediation works that are needed or deemed required. It does show that works.

01:18:53:15 - 01:18:54:16

In respect.

01:18:54:18 - 01:18:55:18

Of this pipeline.

01:18:55:20 - 01:18:56:14

Project.

01:18:56:24 - 01:18:58:12

Have been done to.

01:18:58:14 - 01:19:06:25

The required standard that any and all risks associated with groundwater and surface water receptors.

01:19:06:27 - 01:19:07:16

Has been.

01:19:07:18 - 01:19:08:11
Addressed.

01:19:08:28 - 01:19:09:18
And.

01:19:09:20 - 01:19:42:18
That as a result of the operational phase of the pipeline, there are no residual risks that may have to be dealt with at a later date. So it's really important we have that validation and verification of any works before the pipeline is installed. I think it speaks to the importance of the ground investigation itself as a part of this prior to any works commencing.

01:19:43:03 - 01:20:07:07
Okay. Um, I'm sure somebody will correct me if I'm wrong, but the applicant isn't saying that they won't supply one and they they appear to be happy to supply one. The issue is whether or not the local authorities need to have the powers to be able to approve that or whether it's just sufficient to submit it without requiring subsequent approval. Do you have a view on that?

01:20:08:06 - 01:20:37:22
Leigh Beveridge from the Environment Agency I would agree with my counterparts from the council in that they do need to approve that scheme to make sure that the validation and verification is appropriate, that is supported by national policy in terms of contaminated land and management of the risks. We can supply you by the next deadline, the relevant documents if you so require.

01:20:42:27 - 01:20:46:03
And I'm aware of the national policy.

01:20:48:17 - 01:21:04:05
I think it would be helpful, though, if you could enter into it into the examination so that there is a record of it. So it is clear. So if you could submit that by deadline four, I'd be grateful and we'll put that down as a as an action point.

01:21:05:12 - 01:21:09:29
Beveridge from the Environment Agency. Yes. I'll make sure that's submitted to you.

01:21:19:03 - 01:21:21:29
With the applicant. Like to come back, please.

01:21:23:09 - 01:21:37:20
Let me give you for the applicant just to be very clear, because think we were occasionally mixing up two terms. We are absolutely not questioning the need for approval of this scheme, just the verification report, and we are willing to submit it. We maintain our position on the approval of that, sir.

01:21:38:01 - 01:21:39:18
Okay, understood. Thank you.

01:21:44:06 - 01:21:45:25
Right. The the.

01:21:45:27 - 01:21:48:26
Next requirement is.

01:21:49:04 - 01:21:49:23

Just sorry.

01:21:49:25 - 01:22:02:25

Before I move in, I'm just automatically assuming everybody's moving on with me. But, um, we've done contaminated land and groundwater. Does anybody have anything else they wish to say with regard to this requirement, which is a requirement knowing.

01:22:10:21 - 01:22:11:14

Right.

01:22:11:17 - 01:22:35:10

Okay. I think what I'm going to do is I'm going to do one more requirement and then I'm going to consider pausing for lunch unless people object. But we're going to do requirement ten, which is archaeology. I don't have any questions with regard to archaeology. Does anybody else want to raise anything with regard to archaeology?

01:22:37:26 - 01:22:45:05

I've got no indications and no signals. So I think it's a convenient point to pause for lunch. Um.

01:22:47:00 - 01:22:51:15

Do people want an hour? Is an hour sufficient? Um.

01:22:53:02 - 01:22:55:03

You don't want it less, you wouldn't. You want an hour?

01:22:55:15 - 01:22:56:06

Okay.

01:22:56:28 - 01:23:28:12

That's. That's good. It's very dry, this subject. So giving you an hour's break, you might come back refreshed. All right. So we're going to pause now. The time is 13, 13. I will suggest we come back at 2:15 to give you an hour, at which point we will do requirement 11, which is landscape and ecological management plans and continue from there. Um, so this meeting is adjourned and the time currently is 1313.

01:23:28:27 - 01:23:31:21

Coming back at 2:15. Thank you.