

Hynet_8 June_ISH2_PT3

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FULL TRANSCRIPT (with timecode)

00:00:05:01 - 00:00:38:26

So I'd like to say welcome back to everybody. Time is now 2:15 and I'm resuming this issue specific hearing into the development consent order. I hope everybody had enough time for lunch. Just to remind you, if your mobile phone is on, can you switch it off or at least put it to silent, please? Um, can the case team at the back confirm the audio recording and the live streaming has commenced. Thank you. Um, we finished the last session.

00:00:39:12 - 00:01:09:12

Um. On requirements. And we'd got to we hadn't quite got to requirement 11, which is landscape and ecological management plans. I'd like to to resume that please. So I'm going to go straight into it. Requirement 11 to see measures. Measures for the protection. It's our measures for the protection of existing features adjacent to works. Um, as detailed in the environmental statement.

00:01:09:18 - 00:01:23:02

Again, this seems pretty broad, especially bear in mind the size of the environmental statement. Um, should this subparagraph of the requirement be more specific is my question. Um.

00:01:25:13 - 00:01:30:00

I'll leave that at that point and ask if you would like to come back.

00:01:46:18 - 00:02:00:16

Uh, polymer goody for the applicant. With the difficulty we are having in further defining that. Until we do the detailed design and know exactly where the works are, what the features are and what the protective measures are. It's very difficult to know what that should see.

00:02:02:08 - 00:02:33:03

I understand that and to a certain degree, I think I'd anticipated what you were going to say anyway. Um, can I ask the councils whether or not they have a view with regard to, to that specific, um, subparagraph. So that was requirement 11 two C measures for the protection of existing features as adjacent to works as detailed in the environmental statement. Uh, the comment I made is, is pretty broad. Bearing in mind the size of the environmental statement they've submitted.

00:02:34:15 - 00:02:35:25

The applicant submitted.

00:02:37:13 - 00:02:41:00

Show support for Cheshire West and Chester Council. We have no comment, sir. Thank you.

00:02:41:09 - 00:02:49:04

Anything from Flintshire at all, please? No. I'm getting shakes of the head, so I'm going to move on on that case

00:02:50:19 - 00:03:01:08

again. Chester West, Cheshire West and Chester Council have highlighted the word stages just to flag that up. And the issue about work numbers again. Um.

00:03:03:07 - 00:03:17:06

They've also commented that they consider they consider the landscape and ecological mitigation plans should include protections and replacements of all significant trees and hedgerows. A biodiversity survey reporting.

00:03:19:02 - 00:03:37:22

Report and monitoring strategy, reporting and monitoring strategy and a mechanism for review to be included in the list set out in requirement 11 two. Um, National Resources Wales also consider the list should include longer term monitoring and management. Can the applicant comment please?

00:03:57:16 - 00:04:06:15

Well, let me get you for the applicant. We consider that all of that is actually provided for in the outline document and therefore doesn't need to be added to the requirement is already secured.

00:04:08:01 - 00:04:14:06

I understand that just Cheshire West and Chester Council want to comment on anything they've just heard.

00:04:15:02 - 00:04:20:24

Michelle Spark on behalf of Cheshire West and Chester Council. No, we're not content on that point. Thank you.

00:04:20:26 - 00:04:48:10

Good, Thanks. I can tick that one off of my list then. Thank you very much. Um, I'm assuming the applicant doesn't need to come back any further. No, thank you. Um, just to flag up that the Environment Agency and the Canal and River Trust have requested to be listed as consultee. Um, I'm sure you've picked that up already. Um, does anybody else want to say anything regard to requirement 11 landscape and ecological management plan?

00:04:49:28 - 00:05:20:07

Get no hands up in the room. And I'm getting no hands up on the screens in front of me from the virtual side. Um. I'm going to move on in that case to requirement 12, which is ecological surveys. This requirement reads No stage of the authorised development may commence until it has been established by survey work. Whether any European protected species are present within the order limits or may be affected by any stage of the authorized development.

00:05:20:23 - 00:05:35:13

Um, the question I've got is who is agreeing with any conclusions with this survey work? Is there any mechanism required for agreement of that survey work or is it just self approval again?

00:05:37:13 - 00:05:48:16

A polymer for the applicant. The purpose of that is to allow us to apply for the correct and up to date European protected species licenses as required by law. So no, we are not seeking anybody to approve that work.

00:06:04:23 - 00:06:14:24

I understand that. Does anybody else want to say anything in response to that? That's either in the room or virtual? And then you think in general in terms of this requirement, requirement 12.

00:06:16:12 - 00:06:21:09

In that case, I'm going to move on. Requirement 13 relates to construction hours.

00:06:23:25 - 00:07:12:17

Cheshire West and Chester Council in the deadline. Three submission accepted the applicants definition of emergency subject to requirement three sorry requirement 13 three See being removed. Indeed, Flintshire County Council have also considered requirement 13 three See and advise that it should be removed and pointed out that they would only accept the retention of operations under requirements 13 A and B they also mentioned D, but I've noticed that that's been removed from the current draft, subject to noise and vibration management plan to be approved as part of the final, including details of any additional mitigation for all out-of-hours working, including that of operations identified under that part.

00:07:12:26 - 00:07:19:10

Can the applicant comment, please whether or not they have addressed this matter?

00:07:21:11 - 00:07:51:29

A permit for the applicant. My apologies, sir. My understanding of the continuing point of disagreement and this was slightly different and my understanding, my understanding was and I'm very happy to be corrected, that objected to any activities being undertaken outside core hours without a scheme being approved in advance. We we amended the definition of emergency and we removed the works to address delays, which I know was causing some concern.

00:07:52:01 - 00:08:03:00

And we have been doing further work on what startup and shutdown activities mean, and we have some further proposals to make on that. And I that that was my understanding of the current position.

00:08:12:16 - 00:08:15:16

To Cheshire West and Chester Council. Want to comment at all?

00:08:21:04 - 00:08:25:19

Shell spark for Cheshire West and Chester Council. We have no further comments to make in that regard.

00:08:25:21 - 00:08:44:22

Okay. Thank you. Understand. So we'll await the outcome of your further investigations. There's no need for us to list that as an action point because that would come through in an ordinary course in any event. So thank you for your response. Does anybody else want to say anything with regard to requirement 13 construction hours?

00:08:57:08 - 00:09:00:11

I did have a question with regard to, um.

00:09:02:18 - 00:09:25:27

Start up and close down procedures. But you've just said you're already investigating that in conjunction with Chester West, Cheshire West and Chester Council. So I won't I won't pursue that any further at this point. There's any I've just asked if anybody else wants to say anything else in regard to construction hours. I'm just double checking. I'm getting no signal. Um, that takes us to.

00:09:28:24 - 00:09:36:03

Requirement 14, which is operational noise. I have no questions on operational noise. Does anybody want to raise anything?

00:09:37:26 - 00:09:38:11

The.

00:09:40:19 - 00:09:52:03

And requirement 15 is provisions of an as built detail. I have no questions in regard to this requirement. Does anybody else want to raise anything?

00:09:54:00 - 00:10:26:22

No hands in the room, No hands on the virtual side. So requirement 16, which is restoration of land Flintshire County Council in Rep 3046 maintains that the restoration of land and suitable aftercare is a planning matter. Land ownership is not is what they're saying. Um. The draft should be reworded to require full details of restoration of a restoration scheme combined within requirement 16 or include more details within the soil management plan.

00:10:27:03 - 00:10:32:14

Um, can the applicant comment please on Flintshire County Council's current position please?

00:10:33:27 - 00:11:05:21

Parliament, Kitty, for the applicant. We do not agree that the land ownership and the agreements reached with landowners are relevant and we are entirely happy to look at the content of the soil management plan and see if we can do anything within the scope of that to address the Council's concern. But we would note that in particular, the River Humber Order in 2020 provided for reinstatement to a condition for its former use, and that was the entirety of its obligation. We do not think we are proposing anything unusual in this regard.

00:11:05:24 - 00:11:11:12

Restoration of agricultural land to agricultural use is entirely appropriate.

00:11:25:08 - 00:11:28:09

Ventura County Council would like to say anything in response, please.

00:11:38:25 - 00:12:05:14

And a parish Flintshire County Council. Yeah, this is kind of like an issue that as a mineral planner I deal with in terms of my kind of profession, in terms of an agricultural aftercare would be for five year period. And my concern is that should the land be handed back to the landowner after a year and there could be problems down the line and there'd be no come back. So that's this is what the issue is that we've got. Thank you.

00:12:16:18 - 00:12:19:11

With the applicant. Let's respond. Sorry, I was making notes.

00:12:20:16 - 00:12:34:11

Uh, Paul Mcgeady for the applicant. Now we're going to resolve this, our position and response to that. We were not a minerals development. We are a different kind of development. And the soil management plan and returning land to its former use is entirely appropriate for this form of development.

00:12:51:23 - 00:13:02:04

Thank you very much for that. I have no other questions with regard to requirement 16, which is restoration of land. Does anybody else want to raise anything with regard to restoration of land, please?

00:13:06:15 - 00:13:10:22

Getting no indication in the open. You're saying sorry. Cheshire. Cheshire West.

00:13:11:09 - 00:13:11:24

Yeah.

00:13:11:28 - 00:13:14:10

Just just to reiterate. She's sorry. Can you.

00:13:14:12 - 00:13:15:05

Move the mic towards.

00:13:15:07 - 00:13:42:26

You? Sorry. Yeah, just. Just to reiterate. Flinches comments on the need for an after care scheme and just returning the land to the same use. Wouldn't it wouldn't give you in terms of the grade of the agricultural use is obviously varying and an aftercare scheme would mean that you would return to that approach that the appropriate agricultural grade for example. So an aftercare scheme, we we consider that that's still to be an important factor.

00:13:51:18 - 00:14:03:20

Okay. I've noted that. Thank you. Anybody else before revert back to the the applicant for a final comment if they want to respond. But nobody backed the applicant. If you'd like a final right to reply, please.

00:14:04:06 - 00:14:17:29

Thank you, sir. For the applicant, we consider this as more than adequately dealt with through an approval of a soil management plan, which would include the proper storage of topsoil and return in the correct layers and orders to restore the land to the correct condition.

00:14:23:17 - 00:14:35:17

Okay. Understood that. I've heard everything I've heard from both parties in regard to that, I think. Does anybody else want to say anything else in relation to land restoration? Oh, yes. Flintshire County Council, please.

00:14:35:26 - 00:15:14:11

Thank you. Hannah Parish, Flintshire County Council. I appreciate this. The soil management plan deals with how to ensure that the properties of the soil are preserved and that this is obviously talking about agricultural land where the pipe would be crossing. And my concern, which is similar to the concerns of the Highways Authority with with regards to settlement and should there be any further settlement during that period, as said before, as a standard five year aftercare for an agricultural restoration scheme would be to ensure every year there'd be an annual review to make sure that that that land has been adequately restored.

00:15:14:15 - 00:15:23:16

So that's the kind of concerns that we've got, but that there would be no review. It would just be handed back to the the landowner. Thank you.

00:15:29:09 - 00:15:46:11

Each County Council will, thank you very much for that. Um, I'm fairly sure I know what the applicant is going to say. Um, so if it's any different from what you've said last time or if you're just going to repeat the same thing. Um, I think I understand your message, but you're welcome to have a right of reply.

00:15:46:13 - 00:16:00:24

Thank you, Sir Paul McCartney, for that. Looking the point. The other point we would like to know is that an after care for five years involves as interfering with the landowner and active farming uses on the agricultural land. For example, for five years. We don't really think that's proportionate.

00:16:18:19 - 00:16:34:21

I know you've already responded to this on in writing, setting out your views in writing, but based on what you've heard today, I'd like just for a further comment if at all possible, as an action point, just to follow up on your position in relation to everything that's been said today, please.

00:16:53:12 - 00:16:56:05

Does anybody else want to say anything regarding?

00:16:58:20 - 00:17:07:22

Regarding restoration of land as a final whole. Harwin Council. Community Council, please. It's on its way. Promise?

00:17:10:28 - 00:17:30:14

Thank you. Um. Though there's quite the question in the back of my mind concerned. Sorry, should say. Janet. Councillor Janet Axworthy Chairman Harden Community Council. It is around the restoration of. Farm land,

00:17:32:05 - 00:17:35:21

whatever the practice is, whether it's pasture, arable.

00:17:38:08 - 00:17:45:00

I have in mind two farmers in particular within our constituency. Um.

00:17:48:00 - 00:18:18:23

And one has an installation on his property, which would be all or partially removed by the current. Area but involved for the pipeline. Quite where the pipeline actually will go. Whether it can avoid that installation, which happens to be a slurry pit that has retrospective planning permission on it.

00:18:19:24 - 00:18:52:21

I don't know. But we have and the farmers have asked for more clarity, better definition of the pipeline route itself. But there is a question there whether or not this some adaptation could be made to take into account the installation, his installation and the. The use of the second farmer's land in terms of mitigation.

00:18:52:23 - 00:19:08:08

Now, yesterday, when I said that we would be sending in a written response by the fourth deadline, 20th of June stands, and I will raise this both of these points in that for you. Thank you.

00:19:10:00 - 00:19:47:08

Thank you very much for that. Um, just. Just so you're aware. I believe that the change requests submitted at, um. Change request one potentially tries to resolve the issue with regard to the slurry pit. Um. That's currently out to consultation, so it's not appropriate to comment any further on it and it will be subject to further discussions and hearings as part of the need to to undertake these hearings in relation to both change requests again.

00:19:47:23 - 00:19:58:27

Um, without going into the change request, does the applicant want to, to respond at all in relation to what they've heard from how one community council.

00:20:01:09 - 00:20:14:03

Parliament could do for that. But I don't think in light of not discussing the change request, it would be appropriate. Sir, I would like to highlight for the benefit of the Speaker that they change request. Consultation will close before deadline for. Yes.

00:20:17:02 - 00:20:34:12

Indeed it does. I think that's the 17th of June, is it not? So in terms of that, there is the ability for those parties impacted, including the community council, to make a further representation in regard to the change requests before the 17th of June?

00:20:36:21 - 00:20:42:24

Which is to do apologize for that. If if you so desire. Okay.

00:20:46:11 - 00:20:47:09

Okay. Thank you.

00:20:48:27 - 00:20:54:27

Right. Has anybody else got anything else to say on restoration of land? I think we've given it quite a thorough airing.

00:20:57:09 - 00:20:58:10

Lincoln Council.

00:20:58:12 - 00:20:59:13

Susan Gordon of Flintshire.

00:20:59:15 - 00:21:03:12

Think the closing date is the 14th. 14th not.

00:21:04:01 - 00:21:07:21

Okay. I've got lots of dates rolling around in my head, so.

00:21:11:03 - 00:21:11:24

This is.

00:21:18:26 - 00:21:40:15

Sorry. Celtic Finland. Thanks, Worthy. Mrs. Axworthy, did you hear that Flintshire County Council have clarified that the closing date for the response to change request one and representations is is the 14th of June giving you the wrong date, I believe. So. So it's coming up quickly.

00:21:40:17 - 00:21:43:29

Thank you. Thank you for that. It's noted.

00:21:44:01 - 00:21:57:23

Yeah. Apologize for that. I've got lots of different dates rolling around in my head at the moment, so I'm. I do apologize if I gave you the wrong date. The revised Flintshire advice meets the 14th of June. Okay.

00:22:00:27 - 00:22:15:16

Okay. In that case, I'm going to move on from restoration of land. I've had no other signals or indications that they wish to speak, so I'm going to go on to Requirements 17, which is operational and maintenance management plan.

00:22:22:25 - 00:22:32:06

A requirements 17 one is just a query as to whether or not it requires an approval by the relevant planning authority.

00:22:34:17 - 00:22:36:00

Or whether or not you are.

00:22:38:11 - 00:22:39:26

Not seeking to do that.

00:23:00:22 - 00:23:04:12

We would like to. Sorry for that, but we would like to revert in writing if that's okay.

00:23:04:14 - 00:23:06:13

So that's that's perfectly okay.

00:23:26:09 - 00:23:58:12

Okay. Um, just in terms of comments received from Flintshire County Council, I think we've already aired this. But I've got it noted against this requirement. Rep 3046. It talks about the operational operational maintenance Environmental management plan and the decommissioning and environmental management plan. Um, but they consider it should include details of full restoration and aftercare schemes. As I say, we've sort of briefly mentioned this in the preceding requirement.

00:23:58:23 - 00:24:09:24

Um, does Flintshire want to elaborate any further in relation to this requirement or is what you said in relation to requirement 16 equally applicable or irrelevant?

00:24:10:28 - 00:24:14:14

Parish Lancashire County Council It would be applicable in the same regard. Thank you.

00:24:14:19 - 00:24:31:28

Thank you. Um, do does the applicant want to come back with regard to that comment? No. Okay. Thank you very much. Does anybody else want to raise anything with regard to requirements 17 uh, operational, Operational and Maintenance Management plan.

00:24:33:17 - 00:24:41:03

Okay, I'm going to move on to requirement 19 then and decommissioning environmental management plan. Um.

00:24:48:21 - 00:25:07:21

Again, this is this is talking about Flintshire Flintshire County Council's comments about the restoration and aftercare scheme. So I'm unless they tell me otherwise, I'm assuming the same point. Suppliers as you previously said in regard to requirement 16 and I'm not going to wear them again.

00:25:23:06 - 00:25:26:09

On a parish Clinton County Council. Sorry. Could you just repeat that, please, sir?

00:25:26:11 - 00:26:02:23

Yeah, Well, what I've got here, I'll just read it word for word is in terms of this requirement and the requirement above, which is requirement 17. Should these should these requirements require a full restoration and aftercare scheme to be specified within the requirement? And if so, would it be that? Would it also require them to be approved and implemented and maintained for the duration of the

works and the period of decommissioning? So I think what I've done is I've I've picked up on your comment with regard to requirements. 17 noted that that requirement 18 was split out from requirement 17 from the original draft.

00:26:02:25 - 00:26:18:21

And I'm asking basically whether or not the the two issues are one in the same. And your your comment with regard to requirements 17 um, on needing full restoration and aftercare should be equally as applicable to requirement 18.

00:26:20:15 - 00:26:44:06

Hannah Parish, Lancashire County Council. I guess it would depend on the particular works and area of the of the pipeline and projects. But with regards to decommissioning, my particular concerns as regards to the above ground works and and largely those those areas are within agricultural land. So yes absolutely. Yeah.

00:26:44:24 - 00:27:16:12

My understanding is that the and I'm sure the applicant will correct me if I'm wrong here, but the the intention is at the point of decommissioning at this stage, it would only be the above ground works that would be decommissioned in terms of removal of physical structures and there wouldn't be the removal of the pipeline. Is that. That is correct isn't it. Yeah I'm getting nods. So. So. Just teasing it out. My understanding is that the aftercare plan.

00:27:19:02 - 00:27:29:12

Because they're above ground installations and blocking valve stations within Flintshire on agricultural land. The aftercare scheme should equally apply.

00:27:30:12 - 00:27:33:15

Hannah Parish Flintshire County Council. Yes, absolutely. Thank you.

00:27:34:00 - 00:27:41:22

I'm trying not to be too dense on this stuff, so thank you. Thank you. Um. Does the applicant want to say anything in response, please?

00:27:45:15 - 00:27:48:04

A parliament you for the applicant. We.

00:27:49:28 - 00:28:10:01

We have maintain a position in principle. We are also slightly nervous that we're talking about something that's considerable point in the future. And we're also trying to second guess what the standards and regulations at the time will be and that adding more and more into this that could become overtaken by other legislation may not actually end up serving the purpose we hope it would.

00:28:18:08 - 00:28:37:15

I understand that. Thank you for that reply. Does anybody else want to say anything with regard to requirement 18 decommissioning? I'm getting no indications in the room, so I'm going to move on. Requirement 19 is a standard requirement requiring written approval.

00:28:40:04 - 00:28:45:09

Does anybody want to say anything with regard to requirement 19 written approval?

00:28:47:12 - 00:28:53:11

You get no indication. So I'm going to move on. Requirement 20 is amendments to approve details.

00:28:56:01 - 00:28:56:16

Um.

00:28:58:18 - 00:29:24:13

I'm not aware that this has moved on, but Cheshire West and Chester Council are seeking 112 days. Um, as opposed to the 56 days that are specified within the current drafting. Um, can you can just Cheshire West and Chester Council explain, um, why they consider a 16 week turnaround would be required in this instance?

00:29:33:16 - 00:29:46:06

Shell spark on behalf of Cheshire West and Chester Council. I've taken instructions, sir, and we are content with the revised draft and revision of the current DCO. And the 56 days is acceptable, sir.

00:29:55:14 - 00:30:03:01

Thank you for that clarification. Does anybody else want to raise anything in regard to requirement 20 amendments to approve details?

00:30:04:23 - 00:30:24:26

No indication in the room. Applicant doesn't want to respond? No, and no indication online. So I'm going to move on. Requirement 21 is anticipatory steps towards compliance with any requirement. I have no questions. Does anybody have any questions, please?

00:30:27:06 - 00:30:37:21

Get no indication. So I'm going to move on. We're now moving into part two of schedule two, which which is applications made under requirements. Um.

00:30:47:14 - 00:31:03:07

I was just wondering whether or not Cheshire West and Chester Council would like to expand on its objection to the deemed approval process should it fail to determine the details within the fixed period specified within the drafting. Um.

00:31:14:08 - 00:31:21:19

Show support for Cheshire West and Chester Council. And I've taken instructions, sir. And now that there's an extension to the time period where content with that.

00:31:39:05 - 00:31:48:21

Um, does anybody else want to say anything with regard to requirement 22, um, applications made under under requirements?

00:31:50:29 - 00:31:53:24

Get no indication. So I'm going to to move on.

00:31:55:11 - 00:32:00:09

Requirement 23 is multiple discharge authorities. Um.

00:32:02:05 - 00:32:47:22

So it looks like I'm picking on Cheshire West and Chester Council. I'm honestly not. I promise you. Um, you have sort 40 days and the ability to seek an extension. Whilst Flintshire County Council has commented that 20 days is too short a period of time, um, the applicant has agreed to allow the ability to seek an extension, but not commented on either Flintshire County Council's observation or Chester, Cheshire West and Chester Council's request for 40 days. I was wondering if the applicant could give me a comment now whether or not they what their position is with regard to both flinches position that 20 days is too short and the request from Cheshire West and Chester Council for 40 days.

00:32:54:29 - 00:32:56:11

Also make it easy for the applicant.

00:32:58:27 - 00:33:07:15

We don't think that 20 days is too short a period to provide comments on the process and the application to be made, which is what this requirement is about. And.

00:33:09:14 - 00:33:24:06

It's to provide comments on a proposed application. We don't think that's an unreasonable length of time, given that a termination period is 56 days. They don't have to do any consultation. They don't have to do any assessment, for example. So we don't think it's unreasonable.

00:33:49:23 - 00:33:55:24

But with Chester West and Chester, Cheshire West and Chester Council like to respond, please.

00:33:56:21 - 00:34:27:29

Michelle Spark, on behalf of Cheshire West and Chester Council at least only need to. You only need to say it a few times. Sorry, I have to say it quite a lot. And in respect of this issue, I've spoken to my client and whilst the council's position is that it in their mind 20 days is still a short turnaround, their content in respect of or such a longer time period as may be agreed in writing between the Undertaker and the relevant authorities, which has now been included in the draft DCO.

00:34:28:06 - 00:34:37:28

And so on that basis and the the extension, as the applicant has identified to 56 days, then we are happy with that. Thank you, sir.

00:34:38:02 - 00:34:41:24

Thank you. Understood. Flintshire County Council liked to comment.

00:34:45:26 - 00:34:58:00

Hannah Parish, Flintshire County Council. Yeah, we would concur that the addition of that in revision to agree an extension should it be required is acceptable. And we would we would agree with that. Thank you.

00:35:01:24 - 00:35:19:21

Okay, that's understood. Would the applicant like to say anything further or. No? Thank you very much. Um, so opening it up to the wider floor and interested parties as anybody got anything they want to say with regard to requirement 23 multiple discharge authorities?

00:35:21:25 - 00:35:32:03

Getting no indication in the room or online. So I'm going to move on to item 24, which is further information. Um, again, this is, this is about timings again. Um.

00:35:36:28 - 00:36:14:05

So Requirement 24 two Cheshire West and Chester Council sought 21 days or the removal of subparagraph or removal of the subparagraph, whilst Flintshire County Council considered the revised period of ten days as revised by the applicant to be to shorter period of time. Um Cheshire West and Chester Council's Deadline three submission maintains it is seeking 21 days. Can I please have a response from the applicant with regard to both the comments of Cheshire West and Chester Council and Flintshire County Council, please.

00:36:28:05 - 00:36:32:28

A poem to the applicant's story. Which one of the the two periods are we?

00:36:33:11 - 00:36:35:05

We're talking about requirement 24.

00:36:35:07 - 00:36:36:17

224.

00:36:36:19 - 00:36:37:11

Two. Yeah.

00:36:37:13 - 00:36:41:03

Where the request for further permission should be made within ten days.

00:36:41:09 - 00:36:56:11

Yes. And Cheshire West and Chester Council are saying 21 days sought 21 days and maintaining that position. Flintshire County Council said revised period of ten days was too short. Um.

00:36:58:24 - 00:37:19:26

So personally, I think originally you specified five. As a recollection, you you doubled it to ten. Um, and, well, you said five working days originally you doubled it to ten days. And then, um, the response deadline three from both parties seems to be that they're still not satisfied.

00:37:20:19 - 00:37:43:12

Thank you, sir. Yes, It was five business days. It was changed to ten days as all other periods in this particular section were days not working days. Um, we don't think that an extension to 21 would fit with the overall determination period of 56 days. We we just think that would knock that out and knock the overall termination period out and we would object to that on that basis.

00:38:01:29 - 00:38:11:02

Okay, I understand that. Would Cheshire West and Chester Council like to respond, please?

00:38:13:25 - 00:39:04:17

Like Greenwood, Cheshire West. Yes. I think we'd like to maybe just highlight in terms of practicalities in receiving information and dealing with it in in appropriate timescales. And five days was very short and very reasonable. We still think ten days would not practically be able to turn that around and even work out as to what information you're going to need to actually ask for. You're going to need to consult people internally. And and we consider a longer period, 21 days to be more suitable and practical and would also maybe add to to that, we've got 56 days to determine these discharge requirements and we have the the ability to extend the time.

00:39:04:19 - 00:39:17:17

It's up to us to make sure it's within those time timeframes. This just seems to be almost pushing the council into, whether unreasonably or not, but making us

00:39:19:22 - 00:39:34:11

setting very strict time timescales is to work for us to be able to actually ask for further information. So mean it specifically says that we can't ask for further information after. If this is. I don't understand why. That's why that's needed basically.

00:39:36:14 - 00:39:41:01

Um, sorry. Just clarification. I don't understand why.

00:39:43:11 - 00:39:45:01

What is needed. So can you read.

00:39:45:17 - 00:40:32:09

Mark Cheshire, West Chester Council? Think what my client's alluding to is why the article is needed at all in respect of the 56 day period. And correct me if I'm wrong here, but think if they've got 56 days to comment, respond to to an application that's submitted. And then the point I think the point that's being made, please correct me if I'm wrong, is that why do we need to ask for further information within ten days when we've got a 56 day period to determine within? And I think the practical point that's been made here on behalf of my clients is that there are resource implications for local authorities to turn matters around quickly.

00:40:32:19 - 00:40:48:27

And there has been some discussion with the applicant about doing some work sort of frontloaded. And so that may assist and deal with that issue. And but we're still awaiting some clarifications in that regard. So think in a nutshell. That's what the issue is, sir.

00:40:49:08 - 00:40:54:22

Okay. Understand those points. Um, would Flintshire like to make any comment, please?

00:40:56:05 - 00:41:51:28

Hannah Parish, didn't she? County Council. So I would concur with my colleagues from Cheshire West and Chester and think on the practicalities side of things. It's very difficult for for us to control certain other other external bodies that we might need to seek advice from, such as Natural Resources Wales And what will happen is if they don't have time to, to respond to our consultation, they'll ask. And obviously there is now the ability to ask for a further extension. But as my colleagues from Cheshire West and Chester have said, what is there is there a need for this article in the first place? And it kind of adds additional pressure to the process when we are already very, very under resourced and the local authorities, as are our statutory consultees and we are getting frequent requests for extensions of times and we are we are aware of the pressures that the the the applicant and the developer will have.

00:41:52:08 - 00:41:56:23

And we think this is an unnecessary burden on the local authority.

00:41:57:11 - 00:42:28:11

Yeah, I understand the point you're making. Um, can I ask the applicant with regard to the, the view that the councils have both expressed about why this particular subparagraph is actually required in the first place? I mean, I'm guessing I'm guessing the purpose of it is to focus and to establish at an early stage what further information is needed within the ten, the ten days as opposed to working days.

00:42:28:24 - 00:42:36:01

Um, but can you can you elaborate any more or correct me if I'm wrong in what I'm assuming.

00:42:37:06 - 00:43:08:23

Thank you, Sarah Paula for the applicant. The main reason for seeking to put a time limit on the period to request further information is an Article 22 one. The clock restarts when not further information is submitted. If it takes the council 50 days to ask for further information. The clock restarts when we submit that the determination periods go completely outwith the 56 day period we have been talking about there. That is why we think and lots of other laws include similar wording that.

00:43:09:02 - 00:43:09:18

I.

00:43:10:20 - 00:43:22:20

Am very aware of the resource constraints in the council, but. We we do want some certainty around the timeframes that we are agreeing to for discharge of requirements, and that is what this is seeking to agree.

00:43:24:18 - 00:43:29:08

Sorry, can you just repeat which article re triggers the the the time period again?

00:43:29:11 - 00:43:31:17

So it's 22 one.

00:43:31:19 - 00:43:41:05

Right. Okay. I've got it. So I was reading the articles underneath. Assuming it was further down. Didn't go back up. Thank you. Um.

00:43:44:28 - 00:43:52:25

And I asked the councils whether or not they would like to respond to respond. Just starting with Cheshire West and Chester Council, please.

00:43:53:17 - 00:44:24:06

Michelle Spark on behalf of Cheshire West and Chester Council. So I've noted in revision that there's been an amendment to that particular article reflecting not 21 requirement 21. It now says requirement 24. So think that's where the confusion has slightly been. There's the there's a different reference to a different requirement in the change version. And. I don't know if you can see that, sir. We.

00:44:24:24 - 00:44:27:00

Sorry. Can you direct me to where you're reading?

00:44:27:09 - 00:44:28:00

Do you want a.

00:44:29:17 - 00:44:31:15

20 218. So we jump back.

00:44:59:18 - 00:45:03:10

Can you clarify your point again? Sorry, I'm think I'm being dense.

00:45:03:12 - 00:45:38:00

No, you're not, sir. Um, I think there was a reference in 22 one. A Yeah. B Yeah. Um, to about further information being requested under requirement and previously in, in, in revision D it said requirement 21 Right. And now it says requirement 24. So think that's where the confusions come from. Okay. So, um, I think the best way to deal with this for us to just take it away, reread the provisions as they refer to the cross-references and come back at deadline for.

00:45:39:08 - 00:45:40:15

If that's acceptable, sir.

00:45:43:12 - 00:45:50:19

That's acceptable to me is Flintshire County Council also happy to to review on that basis?

00:45:53:00 - 00:45:58:12

And you're going to do that with the applicant, or are you just doing that internally between yourselves?

00:45:59:07 - 00:46:06:16

And Michelle Spark on behalf of Cheshire West and Chester, we can certainly speak to the applicant. We have got meetings in next week in any event. Thank you, sir.

00:46:08:05 - 00:46:12:27

And are the applicant happy to review on that basis? Thank you. Um.

00:46:25:17 - 00:46:27:16

Okay. I've marked that as an action point.

00:46:32:17 - 00:46:33:27

Thank you very much for that.

00:46:36:28 - 00:46:42:21

Does anybody else have anything they want to say with regard to requirement 24 further information?

00:46:46:15 - 00:47:17:07

Got no indications in the room. I've got no indications online. So on that basis, I'm bearing in mind you're going to be reviewing these articles 21 and 24. Um, I the other questions I had all related to timings as well. So as you're reviewing them anyway, I'm not going to ask those questions now. Um, however, if they don't get resolved, they might follow up with a further round of written questions at Stage three for written questions.

00:47:18:03 - 00:47:18:18

Um.

00:47:25:06 - 00:47:59:24

So going through the other requirements. I've got requirement 25, which relates to fees. Does anybody have anything they want to say in relation to fees? I haven't got anything to say on this item. I've got no indications in the room or online. Item 25 is appeals. Sorry, 26 is appeals. Does anybody want to say anything in relation to this item on appeals? I haven't got anything to say and I'm getting no indication in the room or online, so I'm moving on. Article Requirement 27 Outcomes of Appeals.

00:47:59:26 - 00:48:46:18

I'm I've got nothing on this one. Does anybody want to say anything on outcomes of appeals? Nothing in the room. Nothing online. Moving on. Um, that's the end of the requirements list. So thank you very much for that. Um, and on that basis, I have one minor question that I'm just going to flag up and see what the, um, applicant says. But in response to relevant rep 001, which was the two Sisters food group, um, I noted that the applicant refers to employment of a robust project management team, um, which will be include, which will include public relations with a view to handling complaints.

00:48:46:28 - 00:48:50:29

Um, can you explain to me how that's intended to be secured, please?

00:48:54:00 - 00:49:00:16

Well, let me get you for that. Apologies, sir. Could you refer me to a response with that wording? And I'm not immediately springing to my mind.

00:49:01:04 - 00:49:09:23

Um, can't hear because I don't actually have it in front of me. It's one of the ones I didn't make a notation of where it was from, but I'll tell you what I'll do is, um.

00:49:11:13 - 00:49:18:07

And we are assuming it's in our response to relevant research. So if we could take that away, review it and come back to you in our written submission.

00:49:19:08 - 00:49:32:00

What I would also say is that I'll I'll check where I've picked up that reference from and if it isn't in relevant refs, I'll include it in examination second. Second round of questions. Okay.

00:49:39:12 - 00:49:55:23

Call me giddy. That and apologies, sir. My team is informing me that the the various measures that we think are being referred to would all be secured through this, which includes stakeholder communication plans and other similar measures. But again, happy to give you a fuller answer in writing.

00:50:03:14 - 00:50:34:26

Thank you again. I'm going to leave that as an action point. Understand what you've said, but think. It's very much on the hoof. So I will I will ask you to to look at it properly as an action point, please. Does anybody else want to raise anything with regard to requirements before I move on to the next agenda item? No indications in the room or virtually so. Agenda Item four is Article 44 of the development consent order certification of plans.

00:50:35:21 - 00:51:11:00

Um, hopefully this one's going to be relatively quick. Um, in this agenda item, I am looking to review the plans and documents to be certified and seek views as to whether the list is complete or not. Um, what additional documents would need to be included if it's considered to be incomplete? Um, at the moment the applicant has listed the access and right of way plans, the book of reference, the environmental statement, the outline construction, environmental management plan, the outline landscape and ecological mitigation plan, including the annexes.

00:51:11:19 - 00:51:12:05

Um.

00:51:16:00 - 00:51:23:12

I've got the outline surface water drainage strategy report and appendices, the outline construction Traffic management plan.

00:51:27:25 - 00:51:42:23

Although put would reference in the drafting that the reference in is wrong. Your your own reference is wrong. It should read 0.6.5.4. Um outline operational and maintenance management plan.

00:51:49:07 - 00:51:52:24

The outline Public rights of way management plan.

00:51:59:18 - 00:52:29:00

The land plains, the crown land plains, the special category land plans, the general arrangement plans, and by general arrangement plans. That means the block valve station planning arrangements, the block valve station elevations, the above ground installation planning arrangements, and the above ground installation elevations. The outline archaeological written scheme of investigation and works plan. Um.

00:52:30:21 - 00:52:33:18

Just going back to. Which one was it?

00:52:37:28 - 00:53:05:02

Just going back to the outline public rights of way and management plan. That document is an appendix to the outline construction environmental management plan. And my question is, does it need to be listed separately or should it be listed as an appendix to the outline construction environmental management plan? Um, so it's just for clarity whether or not action needs to be specifically listed as it's an appendix to an existing documents listed.

00:53:11:16 - 00:53:20:12

Oh, my God. If the applicant we we will. We will correct that. I'm not quite sure what sure. What we were going to go, but we will correct that, sir.

00:53:33:03 - 00:53:43:05

Okay. I'm not marking that as an action point, but I have marked it as something that you are, um, that reminds me that you're doing something with it. Um.

00:53:44:24 - 00:54:05:03

So that's that's all the plans that I have listed. Other documents not listed as certified, but falling within environmental statements which will be certified. I've got down as the biodiversity net gain assessment. Um, the flood risk assessment parts one and two. Flood consequences assessments, parts 1 to 3. Is that right?

00:54:12:07 - 00:54:15:10

Well, let me get you that. Yes, they form part of the environmental statement.

00:54:15:14 - 00:54:35:19

Okay. So there's no specific need because the environmental statements listed separately. And in terms of plans not listed as certified, but might need to be listed as certified. Um, I've got the application guide. Would it be appropriate to incorporate the application guide in as a document to be certified?

00:54:37:17 - 00:54:45:08

I'll get you for that book and we would suggest not, sir, as it doesn't provide any control over the development of the scope of the development is just a route map through.

00:54:45:10 - 00:54:45:25

Yeah. Yeah.

00:54:45:29 - 00:55:00:29

Understood. Understood. And register of environmental actions and commitments. Article two interpretations lists it. And I did highlight this earlier on as document to be certified. However, it isn't in the list.

00:55:02:18 - 00:55:12:14

A parliament goody for the applicant. Again, we consider that a route map and would I would propose we took it out of the definitions rather than adding it to the list as it doesn't provide any new information.

00:55:12:16 - 00:55:33:17

The stood that's. I understand that point. Does anybody else want to raise. That's all the documents I have listed and queries I had in relation to this agenda item. Does anybody else want to say anything in relation to item four, which is Article 44 of the certification of plans?

00:55:35:24 - 00:55:58:07

And lots of shaking of heads in the room. And I'm getting no hands up signals on the on the teams in panel in front of me. So I am going to in that case, move on to the next item, which is consents, licenses and agreements. Um, item five on the agenda. So excuse me. Sorry.

00:55:58:26 - 00:55:59:14

Flintshire

00:56:01:01 - 00:56:05:24

County Council. Just wondering whether the camp should also include all the appendices to it.

00:56:07:17 - 00:56:13:10

The applicant like to respond with. Do you think the Kemp needs the appendices added to it?

00:56:14:11 - 00:56:24:01

Uh, well, let me give you to the applicant. I. I would consider them part of the camp. They don't think they need to be individually listed, but I'm open to being persuaded.

00:56:24:05 - 00:56:38:25

Okay. It's just it was just an open question there. Um, bearing in mind it forms part of the camp and they're clearly identified as documents within the camp. The kempis is listed.

00:56:47:10 - 00:56:48:09

We've just Susan.

00:56:48:11 - 00:56:57:04

Cordoned off Lynch County Council. We've just wondering whether they could just put in the the construction management plan and appendices just to make clear that that's what's okay.

00:57:14:23 - 00:57:16:24

With the applicant like to come back at all.

00:57:18:16 - 00:57:20:08

A problem with the applicant.

00:57:22:11 - 00:57:30:21

As camp is a defined term. If we were going to do that would make more sense. To add it to the definition I would suggest and add it to the list. And I'm happy to take that away and look at it.

00:57:31:09 - 00:57:32:17

Understood. Thank you.

00:57:59:00 - 00:58:01:02

That made a note of that. Thank you very much.

00:58:02:21 - 00:58:05:18

Anybody else before. Move on to the next agenda item, please.

00:58:08:01 - 00:58:24:11

Okay, I'm moving on then to agenda item five consents, licenses and other agreements. Can the applicant provide an overview of the consents, licenses and other agreements that would be required in order to undertake the proposed development, along with any indication of timescales for completion of such consents, licenses or other agreements? Please.

00:58:26:12 - 00:58:57:15

Uh, well, let me get you for the applicant. Um, yes. So. So a list of the consents and licenses which have been identified to be necessary for the project are set out in rep 3017. These can be roughly grouped into permits under the waste regulations, European Protected species licenses and other sort of ecological and protected species licenses such as badger licenses, environmental permits, water abstraction and discharge permits prior to approvals under the Control of Pollution Act.

00:58:57:25 - 00:59:27:21

And then other consents that are required an ad hoc basis such as booking road space for abnormal and visible roads. Most of these will be applied for at the appropriate stage, which is post consent at detailed design when we have the necessary details. Things matter such as waste licenses will be applied for as and when we know what waste we would have and how it would have to be handled or moved. There are a couple of updates I can provide on the other points.

00:59:32:28 - 00:59:33:13

Um.

00:59:33:19 - 01:00:07:27

Since the latest version of the other consents and licenses list was submitted to deadline three, the Marine license application has been submitted to Natural Resources Wales. We are currently responding to some requests for further information on that application and will advise the examination when that has been determined to be validly made. We have noted a request from the Environment Agency for the addition of a groundwater investigation consent to this list. We had considered that to fall under the same section of legislation as obstruction licenses, but we will add it to the list.

01:00:08:04 - 01:00:12:17

Again, that would be a detailed design post determination consent.

01:00:14:07 - 01:00:41:01

As Mr. Chatten advised earlier in the week, shadow European Protected Species licences are in preparation now and we hope to submit those to the regulators in the next couple of weeks. The final licences would be applied for a detailed design. And within England we have commenced discussions on district level licensing for Newts and have received advice on the likely compensation values for that. But again, that scheme would be finalised when we have detailed design.

01:00:45:03 - 01:00:47:15

But is that in actual England the last one?

01:00:48:16 - 01:00:50:05

Peppermint. Good for the applicant. Yes, sir.

01:00:51:15 - 01:00:52:00

Is it?

01:00:56:18 - 01:00:59:10

It's not trolling. Sorry. I lost faith in myself there from this.

01:00:59:24 - 01:01:00:16
Understand?

01:01:02:10 - 01:01:38:00

It's where you've got two different bodies because it's crossborder dealing with the different aspects of the scheme. I can understand why it would get confusing after a while, keeping all the information in your head. Do either of the authorities wish to respond on anything they've just heard or anybody else in the room, wider or virtually online? Getting no indication in that case. I understand all that. Thank you very much. It's helpful. Run through of the the bits and pieces, the additional licenses and consents you require. I've got a couple of questions related to comments that have been made by various parties.

01:01:38:06 - 01:02:08:20

Um, and it's primarily about how those comments, if they're being addressed, are being secured and a note that. Cheshire West and Chester Council's deadline three submission, which is rep 3042 um indicates there's a potential a potential suitable resources can be provided to the Council. It references potential resources, suitable resources being provided to the Council to allow work to be undertaken in advance. A formal submission.

01:02:09:02 - 01:02:40:17

Um, can um can the relevant interested parties, including the applicant, advised me what that actually means and clarifies how such measures will be secured, i.e. are they going to be secured as part of a planning performance agreement between the authority and the applicant? Um, or is it via another mechanism and is it intended to submit a copy of, um, whatever the agreement is into the examination? Now clearly Mark out there is no requirement for you to do so.

01:02:40:27 - 01:03:17:16

Um, but if you do come back and say we want this secured by a legal agreement, for example, then we have to start discussing about how you're going to secure it under the DCO. So I'd be grateful for some clarity on, um, what it actually means, what, what has been discussed and um, clarify how you're going to secure it, um, and whether or not your intention to submit a copy or at least keep the examining authority informed as to your progress on these discussions.

01:03:19:05 - 01:03:46:02

Michelle Spark for Cheshire West and Chester Council. And the suggestion of that additional resource was made in a meeting between Cheshire West and Chester Council. And think in a similar meeting with Flintshire and the applicant, and we haven't got any further details at the moment and don't want to put words into the applicants mouth. So, so I think it's fair and reasonable to defer to the applicant in that regard.

01:03:46:04 - 01:04:27:06

No, that's fine, because it was in your submission I was giving you first opportunity to respond. Thank you, sir. I'm assuming Flintshire are in a similar position, so perhaps I'll ask directly to the the applicant unless you wants to say anything instead. No, no. In that case, can the applicant advise on what is meant by these things, how it's intended to secure them? Is it relevant to the. Does it need to involve any action in regard to the development consent order? And is it intention to submit anything to the local to the examining authority or at least keep the examining authority informed of what's happening?

01:04:28:06 - 01:05:07:11

I'll make you do for the applicant. Yes. This is a proposal we made. As as you correctly surmise, we are looking at planning performance agreement for the non-statutory applicant engagement pre-

application of applications for discharge of requirements and to allow the Council to engage with those and frontload that work. We are currently drafting draft agreements for the council's consideration. They haven't seen them yet. So at the moment the securing mechanism is simply our proposal and they haven't had a chance to meaningfully consider that and I would have absolutely no objection to keeping the panel updated on the progress of that.

01:05:07:13 - 01:05:11:18

I would not like to commit to submitting that without clearing that with the council and enhancing the document.

01:05:11:20 - 01:05:44:11

Yet I'm not actually asking for you to submit it. I don't think it needs to be submitted as a formal examination document because clearly it's a private agreement between the parties. But as it's been mentioned, it's another box I have to tick off to ensure that I don't have to include anything in relation to it within the DCO itself. So, um, and on that basis, if you could keep me informed of progress and just when you've reached agreement, don't, don't want to know what you've agreed.

01:05:44:13 - 01:05:51:28

I just want to know that you've agreed, so. Okay. Thank you. Um. Sorry. Did you want to come back?

01:05:52:24 - 01:06:02:14

So just to say. Yes, that's. That's absolutely fine. And just to reiterate and the applicant position, that's what I thought they were going to say. Just didn't want to put words in there. That's fine.

01:06:02:22 - 01:06:10:02

This is the only reason I picked on you first was because it was in your comments. So, um. Flintshire Do you want to say anything else?

01:06:11:15 - 01:06:17:00

The County Council should know that we'll just have ongoing discussions with you. Okay. Thank you.

01:06:17:05 - 01:06:52:03

Um, anybody else in the room want to say anything with regard to the matter I've just mentioned? No indication in the room. Nobody, virtually. No indication virtually either. Applicant Do you need a final right of reply on anything? No. Okay. Moving on to my next question, which is related to development consent obligations. Um, the applicants refer to legal agreements in its response at first written questions. Rep 1044 at Q 1.40.33.

01:06:52:20 - 01:07:27:17

Um, additionally responses at Q 1.4.45 and 1.40.46 and Q 1.40.52 all refer to securing off site compensation for priority habitats. Indeed. Question 1.40.7 refers to the applicant's discussions concerning ongoing habitat, offsetting to be discussed directly with Cheshire, Cheshire West and Chester Council within England, as well as discussing Habitat offsetting with Flintshire County Council in Wales.

01:07:27:20 - 01:08:02:11

Indeed, Flintshire County Council in its local impact report, which is rep 1-1005 stated, Should development consent be granted? It's the Council. The Council considers it's necessary to secure a package of nature conservation management contributions secured by legal agreement. I note that there's reference to offsite ecological mitigation and management for some 30 years is under negotiation with the relevant authorities in the applicant. Indeed, it was briefly mentioned yesterday

and I believe that was mentioned by the applicant in the issue specific hearing sorry, day before yesterday.

01:08:02:13 - 01:09:03:04

The issue specifically hearing relating to environmental matters. Can the applicant and local authorities update the examining authority in regard to such negotiations? And once agreed, how will they be secured if it's by way of legal agreement? Can it be demonstrated how much a contribution meets, how the contribution meets the legal test? And how does it how does it how does such a request comply with the government's guidance issued by the Department of Levelling Up and Housing and Communities and the Ministry of Housing and Communities and Local Government, which set out planning obligations, assist in mitigating the impacts of unacceptable development to make it acceptable in planning terms, planning obligations may constitute a reason for granting planning permission if they meet the tests that are necessary and to make the development acceptable in planning terms, they must be necessary to make the development acceptable in planning terms directly related to the development and fairly and reasonably related to the scale and kind of kind of development.

01:09:03:06 - 01:09:23:23

Bearing that in mind, if the applicant could comment first in response to that, in regard to what is actually under negotiation, is it going to form part of a legal agreement that needs to be entered into the examination and signed by all of the parties? Um, and or is it by another mechanism again?

01:09:25:23 - 01:10:09:21

Follow me. On behalf of the applicant and the illegal agreements that we are referring to are those for they are absolutely not anything for mitigation. Just to be very clear on that, and we are not proposing a Section 106 agreement. We do not think it's necessary or justified given the structure that we are proposing. And the councils are potentially at a slight disadvantage here because we have written the first draft agreements and they've had a very, very short time to consider those. So I suspect they may want to reserve their position, but the structure we are proposing is essentially a single commuted sum for the delivery and monitoring and maintenance of the for the required period, not an ongoing recurring obligation.

01:10:09:23 - 01:10:43:20

The only ongoing obligation would be to report back to us under this guidance and to which we are essentially buying units. So we do not think a Section 1 or 6 is necessary because there is not an ongoing obligation on us to pay money every year that such a 1 or 6 could look at securing the illegal agreement would effectively be a contract between the undertaker and the relevant scheme that the council was operating. And because the council was in charge of delivery of that scheme and monitoring of that scheme, they essentially would be reporting on themselves.

01:10:43:22 - 01:10:52:29

We don't think it would be necessary to secure that through any other such 1 or 6 or deed. I'm not sure how much more I can reasonably add at this stage though.

01:10:53:28 - 01:10:55:07

You know, it's understood.

01:10:57:15 - 01:11:26:13

Getting into relatively new realms with being biodiversity net gain. For anybody that's not aware of what what was, um, and how it is secured, um, and credits. Um, indeed the credit scheme is something that's not been mentioned in the examination document that I recall reading about, although my main focus isn't necessarily on the ecology side of things. So.

01:11:27:02 - 01:11:27:17

Uh.

01:11:27:19 - 01:11:43:25

Well, let me get you for that book. There is no credit schema as stage of maturity that would be available for us in the locations that we need it. As Mr. Chatwin said already, this market is very, very young and it's not matured. It's trying to run very fast just now to get itself set up. But it's not there.

01:11:43:29 - 01:12:23:12

Okay, understood. Um, can I ask the council? Um, either council, but perhaps, you know, pick on Cheshire West again. Um, can you, can you give me any more clarity about how. How the scheme would operate? I'm not asking. I don't want to know how much is being agreed between the parties. That's that's a that's not relevant to me. It's between you two as parties. But I'm what I'm interested in is how the scheme would operate and whether or not there's got to be anything within the that would secure that agreement to to the development as such through the development consent order itself.

01:12:24:16 - 01:12:55:21

Michelle Spark on behalf of Cheshire West and Chester Council. In all honesty, I received the draft document on Tuesday, not from the applicant may say, but from one of my instructors and officers. I haven't even had a chance to read it yet. So, um. I certainly can come back in written representations if that would help. But. Deadline for just to set out a summary of our position on that and how that would work from our perspective. Um, but I wouldn't want to say everything was fine when haven't even read the document yet. So sorry, sir.

01:12:56:04 - 01:12:59:07

And it's Flintshire County Council in a similar position.

01:13:01:06 - 01:13:10:26

Susan Gordon of Flintshire County Council. Yes, we're aware there's been some discussions between the applicants and our biodiversity officers, but we haven't seen the agreement.

01:13:10:28 - 01:13:13:11

You haven't received a copy of of it.

01:13:14:18 - 01:13:19:28

Not. Not in the legal department. No. No. Okay. No, it's not. Parrish hasn't seen it either.

01:13:20:00 - 01:13:22:21

No. Okay. Thank you. All right. Um.

01:13:24:27 - 01:13:36:18

But in terms of the applicant, can you look Cheshire West have seen it is it intention? Have you shared it with Flintshire? Is it your intention to say Flintshire or a similar draft?

01:13:38:01 - 01:13:55:23

For the applicant, it's one version for each council because they have slightly different units and it has been sent. It was sent to the officer with whom we were discussing the delivery mechanisms and the units in the land to believe is the Countryside Commission. Country manager.

01:13:55:29 - 01:13:56:14

Okay.

01:13:56:16 - 01:14:31:19

Can I. Can I leave you with with it? Between the parties, between you and Flintshire to discuss who you sent it to so they can track it down. Um, but can I? I think it is going to be an issue that needs to be resolved. So I know how I'm dealing with it within any recommendation report. I Right. And how we need to get a clear understanding of what the mechanism is, how it's being secured, whether there's any relevance to the development consent order at all. And so so that when I I'm advising the Secretary of State in any recommendation report.

01:14:32:01 - 01:15:24:28

I'm clear on what the process is and how it's being secured and ensuring that we don't need to have sight of or ensure that an agreement under Section 106, for example, is actually necessary. Um, it's pretty unique. It's not something I've come across before. It's something I think is going to become more and more common. Um, but I think you're leading the way pretty much. So, um, can I leave it with you as an action point to give me a clearer explanation as to, to what, what you're doing, what's required, how it relates back to the development consent order and um, whether or not there is, is any need to secure anything or at least enter it into the examination as evidence to, to demonstrate that there is agreement between the parties.

01:15:25:00 - 01:15:56:18

It may just be necessary that the parties need to write and confirm there is an agreement and that you don't need to provide anything but similar like similar to a private agreement. Um, so that I can just advise the Secretary of State that that everybody's happy, basically. Okay. Thank you for that. Does anybody else want to say anything on what they've heard in relation to that last matter? Um. I'm not getting any visual clues online or in the room, so I'm going to move on.

01:15:57:07 - 01:16:04:09

Um, we promise we're almost done. I've got two pages left, and that's some of that's closing. So, um.

01:16:11:05 - 01:16:31:28

Right. Okay. Um, the next part is about community benefits. And again, similar issues with regard to how such benefits are or are not needing to be secured. Um, bearing in mind what we've just discussed and what I outlined with regard to the legal tests are in terms of planning obligations, um.

01:16:35:13 - 01:17:16:10

A note that there were a number of representations referring to community benefits, including one from now. I apologize for this if I get this wrong. Is it is it Mostyn History Preservation Society. Um, which was rep R-060. They refer and indeed many other reps refer to voluntary community community benefit funds which would benefit communities along the pipeline route in Wales and England. Um, it's clear to me from what I've read, that the applicants intention in regard to this is that it lies outside of the development consent order boundary.

01:17:16:24 - 01:17:48:09

And from all I've seen and read to date that I don't disagree necessarily with their position. Um, in terms of how it relates back to the development consent order being sought, all the legal tests that I read out earlier on. Um, but my question ah, my questions are related to both Cheshire West and Chester Council and Flintshire County Council in terms of whether they are pursuing any such contributions towards local community.

01:17:48:11 - 01:18:02:28

And if so, have they had any negotiations with the applicant in regard to this matter? And how are the councils seeking to secure such contributions, i.e., is it a community fund, Is it a legal agreement or is it another mechanism? Um.

01:18:08:07 - 01:18:22:21

So starting with that question, are you seeking. Can I start with Cheshire, Cheshire West and Chester Council first? Are you seeking any community funds or alternative sorts of legal agreements related to such funds?

01:18:23:05 - 01:18:29:12

Michelle Spark on behalf of Cheshire West and Chester Council. No, sir, I can confirm we're not seeking any community benefits. Right.

01:18:29:14 - 01:18:33:11

Thank you. And Flintshire County Council. Same question, please.

01:18:37:12 - 01:18:38:20

She County Council, Hannah Parish.

01:18:38:22 - 01:18:41:08

No, We also are not seeking you. Thank you.

01:18:48:07 - 01:19:11:19

Okay. Wipes out two paragraphs of subsequent questions because don't need to ask them. So that brings me to the end of this agenda item in terms of consent, licensing and other agreements before I move on to any other business. Um, is there anything anybody wants to say in relation to gender? Item five.

01:19:13:15 - 01:19:40:26

Getting no hand signals. I'm conscious of the time we only have. Actions, other business actions and closing. So I'm intending to carry on rather than break unless anybody objects. Right. Good. I'm going to carry on them. Item six Other business. Is there any other matter related to the development consent order which hasn't already been covered that you want to discuss today? That's open to the whole floor, including virtually.

01:19:42:24 - 01:19:51:24

No signals in the room, no signals online. So in that case, I'm going to move on to item seven, which Mr. Shrigley is covering.

01:19:52:28 - 01:19:54:18

Thank you, Mr. Butler. Um.

01:19:56:17 - 01:20:36:14

Yeah. So we're at the close of the hearing now and there have been a number of action points. Um, and we're going to review those as a panel, uh, following the closure of the hearing. Um, the action points should be published in the next day or two as a guide. A digital recording of the proceedings will be made available as soon as possible on the project page of the national Infrastructure website. And as indicated during the hearing, we request that you submit the points you already made or intending to make by the deadline.

01:20:36:24 - 01:20:42:04

Number four, which is Tuesday, the 20th of June 2023.

01:20:43:24 - 01:21:09:04

And that just leads me to thank all the parties for all their contributions. It's been extremely useful at the time as now it's just gone 30 minutes, 3:36, and I declare this issue specific hearing regarding the proposed development consent order for the proposed high net carbon dioxide pipeline project is now closed. Thank you.

01:21:09:17 - 01:21:10:06
Thank you.