

Hynet_8 June_ISH2_PT1

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FULL TRANSCRIPT (with timecode)

00:00:06:00 - 00:00:42:23

Good morning and welcome. It's now 10:00 and the time for this meeting on the high net pipe pipeline. High net carbon dioxide pipeline. National infrastructure project to begin. I would like to welcome you all to this issue specific hearing regarding the development consent order, which is now open before the examining authority introduces itself, would like to deal with a few preliminary matters. This would be a good time to switch off mobile phones, please. Or at least put them on silent. Um. Can the team confirm that the that you can hear me? The recording and the live streaming of this event has started.

00:00:42:25 - 00:01:00:18

Please. Thank you. Um, can everybody in the room hear what I'm saying? Just confirm. Thank you. No request have been made for special, uh, to or arrangements for to enable people to participate in this hearing today. But I'm just looking to confirm that with everybody.

00:01:02:16 - 00:01:34:26

Get no indication. So I'm going to proceed in the event of a fire alarm. The fire exits are through the doors here on your left hand side or behind you if you're here. And then you go to the left and out through into the car park using the fire routes and you congregate in the car park and on the green area in front of the hotel am vised that if you're congregating on the car park, just be careful to be conscious. It's an active car park. There are no fire alarms or drills scheduled for today.

00:01:34:28 - 00:02:06:21

So if the fire alarm does go off, we will have to leave. But toilets are located through these doors again and out to your left. And that's it for a preliminary matters. I'm now going to move on to introductions. My name is Christopher Butler. I was appointed on the 17th of January 2023 under Section 65 of the Planning Act 2008 and under delegation from the Secretary of State as lead panel member to examine this application. I am a chartered member of the Royal Town Planning Institute and have academic qualifications in town and country planning.

00:02:07:04 - 00:02:20:10

I've made a declaration of interests in response to the planning inspectorate's conflict of interest policy, and I can confirm that I have no declared interest in relation to this appointment. I'm now going to ask my fellow panel member to introduce himself. Thank you.

00:02:20:28 - 00:02:52:11

All right. Good morning. My name is Matthew Shrigley. I was also appointed on the 17th of January 2023 as a panel member to examine this application under Section 65 of the Planning Act 2008, as amended, and a delegation from the Secretary of State. I am a town planner and a full chartered member of the Royal Town Planning Institute. I've made a declaration of interests responding to the planning inspectorate's conflict of interest policy, and I confirm I have no declared interests in relation to this appointment.

00:02:53:05 - 00:03:24:15

Together, we constitute the examining authority for this application and we will be reporting to the Secretary of State for Energy Security and net zero with a recommendation as to whether or not the development consent order should be made. Also present today are members of the Planning Inspectorate's case team working with Mr. Shrigley and Eye on this National Infrastructure project. At the event, we have Kevin Jones, which is who is the Operations Manager for the Planning Inspectorate's National Infrastructure Energy Team, and he is also accompanied by Lily Robbins, who is a case manager.

00:03:25:06 - 00:04:06:23

Additionally, Catherine alone and Caroline Hopewell, who work in the operations Group two are providing online support for the virtual aspects of this blended event. Technicians from CVS are also in attendance here today solely for the purpose of managing the audio and visual service, including the recording of the live streaming of this meeting. In addition, a translator from Simon Translation Catherine Gilkes is attending for the purpose of translation from Welsh to English. I would also add the other colleagues from the Planning Inspectorate may join this issue specific hearing as observers as part of the planning Inspectorate's commitment to continuing professional development.

00:04:07:02 - 00:04:37:28

If you have any questions or concerns about today's events, please would you speak to a member of the case team here today? If you're present in the room, contact a member. If you're not present in the room, if you contact a member of the virtual case team. Um, in that event. That's the end of introductions from our end. So turning to attendees today. First, I want to acknowledge and welcome those who are watching the live stream and joining us in the room. Thank you and thanks for joining us. I'd also like to start with attendees.

00:04:38:06 - 00:05:02:28

When you when I read out your name, um, all members of the team present should introduce themselves one by one, followed by introductions from the virtual attendees of that team. My intended running order for introductions is the applicant Cheshire West and Chester Council Flintshire County Council, the Environment Agency, National Highways, the Canal and River Trust insert limited

00:05:04:21 - 00:05:17:01

ha1 community Council, and we're vided that there will be nobody in attendance here today from Network Resources Wales National Resources, Wales Apologies or Peel and

00:05:18:16 - 00:05:33:09

Peel. Both parties in actual fact have indicated that they may attend further hearings at a later stage and will continue to make submissions should they wish to. In terms of interested parties, can I, um.

00:05:35:06 - 00:05:37:22

Ask the applicant to introduce themselves, please.

00:05:39:24 - 00:05:55:03

Good morning, sir. My name is Julian Boswell Boswell of Burgess Salmon Solicitors. We are advising the applicant, and the rest of our team will introduce themselves. I should explain, as yesterday, that my colleague Ms.. Mcgeady is leading for us today.

00:05:57:20 - 00:06:02:03

Good morning, sir. Paula Majidi from Burgess, Simon Solicitors for the Applicant. Thank you.

00:06:03:20 - 00:06:06:18

Uh, good morning, sirs. James Glass, pipeline engineer for the applicant.

00:06:07:03 - 00:06:07:20

Thank you.

00:06:08:29 - 00:06:13:05

Good morning, sir. Nick Macmillan, environmental Coordinator on behalf of the applicant.

00:06:18:13 - 00:06:22:25

Thank you. Can have Chester, Cheshire West and Chester Council, please.

00:06:23:15 - 00:06:39:00

Morning, sir. Michelle Spark, on behalf of Cheshire West and Chester Council, we have a number of people in the room today sitting by my side here. We'll introduce them as and if they need to speak. Okay. Otherwise I'll pass on to my clients to work down in turn. Okay. Thank you.

00:06:39:02 - 00:06:39:24

Understood.

00:06:41:12 - 00:06:45:08

Good morning. Ben Greenwood. Cheshire West and Chester Planning Department.

00:06:45:27 - 00:06:46:12

Good morning.

00:06:48:17 - 00:06:51:07

Then failed on behalf of Cheshire West and Chester Council.

00:06:53:19 - 00:06:56:22

Morning. Stephen Holmes, a principal planning officer at Cheshire.

00:06:56:24 - 00:06:57:28

West and Chester Council.

00:07:04:23 - 00:07:11:16

Good morning, sir. I'm the principal flood risk engineer for Chester and Chester West Council.

00:07:11:21 - 00:07:13:00

Sorry I missed your name.

00:07:13:28 - 00:07:15:09

A Clough and Jones.

00:07:18:24 - 00:07:25:05

Yeah. Good morning, everyone. Liam Reeves Flood Risk Project and management officer for Cheshire West and Chester Council.

00:07:28:15 - 00:07:33:24

Thank you very much for that. Moving on to Flintshire County Council in that instance, please.

00:07:35:18 - 00:07:46:15

Give. Susan Cordner, Solicitor of Flintshire County Council. Have my colleague on my left and we have two virtual attendees, Sam Tully and Stuart Jones. Okay. Being with Highways matters.

00:07:50:12 - 00:07:53:18

The Hannah Parish Flintshire County Council. Good morning.

00:07:55:15 - 00:07:58:11

Your virtual colleagues like to introduce themselves. Please.

00:07:59:21 - 00:08:06:14

And yes, sir. Sam Tully, Flintshire County Council, Street Maintenance Manager representing the Highways Team.

00:08:08:18 - 00:08:09:18

Thank you, Mr. Tully.

00:08:11:00 - 00:08:15:10

Stuart Jones. I'm the access officer for Flintshire County Council as part of the rights team.

00:08:18:22 - 00:08:19:26

Thank you, Mr. Jones.

00:08:21:21 - 00:08:25:02

Moving on to the environment agency. Believe the joining us virtually.

00:08:27:18 - 00:08:35:07

Good morning, sir. Marie McLaughlin Fanning, lead at the Environment Agency. And I'm joined virtually by my colleagues who will now introduce themselves.

00:08:35:19 - 00:08:36:05

Thank you.

00:08:38:11 - 00:08:44:24

Good morning, sir. Lee Beveridge for the Environment Agency. I'm a groundwater and contaminated land technical specialist.

00:08:45:27 - 00:08:46:26

Thank you very much.

00:08:49:18 - 00:08:55:28

Good morning, sir. I'm Joanne. I'm the solicitor at the Environment Agency. Thank you.

00:08:59:01 - 00:09:05:05

Thank you very much for that. Um, National Highways, who I also believe are joining us virtually today, please.

00:09:06:19 - 00:09:14:02

Hi. Tansy Galvin, a senior lawyer at National Highways. And I'm joined virtually by John Hope, who will introduce himself now.

00:09:15:04 - 00:09:18:12

Yes. Good morning, John Hope. I'm the planning lead at National Highways.

00:09:24:23 - 00:09:30:20

Thank you very much, both of you. Um, I'm going to move on to the Canal and River Trust, please.

00:09:40:13 - 00:09:42:18

Is anybody here from the Canal and River Trust?

00:09:45:09 - 00:09:47:10

Okay. In that case, I'm going to move on.

00:09:48:25 - 00:09:53:24

Is Encircle. Yes. I can see your insert here. Would you like to introduce yourselves, please?

00:09:54:21 - 00:09:57:13

Connoisseur Anita Galligan and Sark Limited.

00:10:05:26 - 00:10:08:02

Complaining, said Justin Gartland of.

00:10:08:04 - 00:10:12:27

Litchfield for and Cirque Limited. And we have one virtual member of our team.

00:10:15:01 - 00:10:19:23

Thank you. I'm Sarah Wood from Overland representing Impact Limited.

00:10:20:16 - 00:10:25:09

I'm sorry. You're very, very garbled, I'm afraid. Is there any chance you could speak close to the mic?

00:10:25:11 - 00:10:27:07

Yeah. Is that any better?

00:10:27:10 - 00:10:29:06

Yes, it is. Thank you. Sorry.

00:10:29:13 - 00:10:34:04

Yeah, no worries. Sarah Wood from Eversheds Sutherland representing Insert Limited.

00:10:35:13 - 00:10:36:13

Thank you very much.

00:10:43:22 - 00:10:44:15

Okay.

00:10:46:27 - 00:10:55:00

Pardon? Community Council. Do you wish to. Introduce yourself as Mike come in just behind you. So it's other side.

00:10:55:02 - 00:11:06:03

So good morning. Councillor Janet Axworthy, Chairman of Harden Community Council, and my colleague also is present.

00:11:08:28 - 00:11:15:02

Good morning, sir. Dave Mackey. I'm chair of the Finance Committee of Harden Community Council.

00:11:17:23 - 00:11:33:06

Thank you very much, Mr. Mackey. I believe that's it for everybody that I've got on my list for attendees. But are there any other interested parties present either in the room or joining us virtually who wish to speak during this hearing? If so, could those in the room raise their hand, please?

00:11:34:27 - 00:11:39:06

And anybody virtually. Could you either switch your camera on or raise your hand?

00:11:41:06 - 00:11:54:27

Raise your virtual hand, that is. Okay. I'm getting no indication. So in that case, I'm going to move on. I'm now going to pass to Mr. Shrigley, who's going to cover procedural matters for running this issue. Specific hearing today in regard to the development consent order. Thank you.

00:11:56:11 - 00:12:31:15

Thank you. So in terms of agenda item two. I'm going to set out the procedure for running today's hearing. What I'm going to say does repeat the information already heard by some of the attendees to other hearings. Nevertheless, it is important for me to re-establish some of the points for those who may not already be aware in terms of language, given it as a cross-border application being examined. We have translation facilities available within the hearing venue.

00:12:31:17 - 00:13:10:02

If you do or anybody decides to address the examining authority in Welsh, a translator is available and we will translate from Welsh to English if need be, for those persons attending in person wishing to listen to the translation in English. All you need to do is switch on the headphones in front of you, provided and listen through them by placing them under your chin. For those attending the hearing, virtually you'll have seen from the joining instructions there is a choice of channels to enter the teams meeting.

00:13:10:04 - 00:13:39:04

One channel does accommodate for those wishing to speak and participate in Welsh and those wishing to participate in English. Um, the joining instructions we've issued also advise that anybody wishing to take part by telephone and there is a simultaneous tenuous translation facility also available using if they would that method is to be taken.

00:13:41:23 - 00:13:51:25

If there are any difficulties in that regard, please do contact the case team in the background and they'll be happy to resolve any issues that may arise.

00:13:53:10 - 00:14:21:21

Um, a quick note from the panel will endeavour to pronounce all place names correctly, but we do apologize in advance if we get those wrong or make an error. Please feel free to point that out as we go. We do welcome contributions in both English and Welsh. So as I've described, there are facilities available if those need to be undertaken.

00:14:27:19 - 00:14:44:17

There is a bit of noise in the background. I would remind everyone just to turn the phones off, um, during the hearing preceding proceedings rather, um, we are undertaking a blended event. So in terms of the event format, um.

00:14:46:16 - 00:15:26:02

It has been live streamed live from Yolo for several of the attendees. For those attending virtually at times we may not be looking at the camera or the person speaking, but I can assure you we are listening to all contributions being made. Um, again, just to reaffirm, can you please keep your cameras and microphones switched off unless you were invited to speak? We will be referring to the

event agenda available on the Documents library and that's accessed via the project page on the national infrastructure website.

00:15:26:22 - 00:16:01:19

The document reference number is 007, and it would be useful for all parties to have that available. In terms of timings, we we're looking to take a break for around 15 minutes, uh, approximately 1130, uh, to stretch legs, have a cup of tea etcetera. Um, a lunch break of around, uh, 1:15 thereabouts, and possibly another afternoon break around quarter four with the aim to finish no later than 530.

00:16:01:21 - 00:16:39:14

But we'll keep that under review as we go on. Once the business is listed on the agenda is concluded, the hearing will close. Um, as I say, that's going to be no later than 530. If we can close earlier, we will do that for virtual attendees. If you do decide to leave the meeting during the breaks, you can rejoin using the same link provided in your invitation material. And if you're watching the live stream, please refresh your your browser and resume each subsequent session.

00:16:41:04 - 00:17:12:11

Please note the chat function in teams is not being used today, so please don't send any messages. Um, using that facility. It's not being monitored and they won't be taken into account. If anybody does lose a live stream connection or has difficulties in accessing the hearing, uh, proceedings, as I say, contact the case team and they'll be happy to look into any technical problems and resolve those.

00:17:14:09 - 00:17:46:00

A few more things for me. This event is being both live streamed and recorded. The digital recordings that we make are retained and published. The Planning Inspectorate has a practice to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Consequently, if you participate in today's hearing, it is important that you understand that you will be recorded and therefore you consent to the retention and publication of the digital recording.

00:17:46:02 - 00:18:09:15

It is very unlikely that the Examiner authority will ask you to put sensitive or personal information in the public domain. Indeed, we encourage you not to do that. However, if for some reason you feel it is necessary to refer to some personal information, we would encourage you to firstly speak to the case team before doing so.

00:18:11:05 - 00:18:29:15

Please bear in mind that the only official record of today's proceedings is the digital recording that will be placed on the project page of the national Instruction website. Tweets, blogs and other similar communications arising out of this hearing will not be accepted as evidence in the examination of the application.

00:18:31:10 - 00:18:45:21

Turning to the purpose of the hearing now. Today's hearing is being held at the request of the examining authority who wishes to explore a number of matters aurally in relation to the draft development consent order.

00:18:47:09 - 00:19:16:18

We've already asked a significant number of questions on the DCO through written questions. Furthermore, as you will have seen from the examination timetable, there are further rounds of written questions proposed. We are familiar with the documents to date, so in answering a question, you don't need to repeat the full document, but please pick out any any useful bits and pieces in making your points.

00:19:18:27 - 00:19:53:12

If you do wish to refer to information already submitted, it's going to be far better if you refer to the library reference number where possible. Well, we accept that the majority of discussions will be undertaken by the parties already indicating as wishing to speak. Um, there may be a point that you may wish to raise, and if you do, please raise your hand. Let the panel know and we'll look to bring you in at an appropriate time.

00:19:53:24 - 00:20:28:12

The hearing today will be a structured discussion in which Mr. Butler will lead based on the agenda items that's already been published. Our questions will be focused on those items highlighted in the agenda. But we would like to reassure you that whilst we're not asking a specific question covering a particular topic that you may have been expecting, um, it doesn't indicate that we, we deem it satisfactory. It just merely indicates that we consider that we have the information we need on a particular topic.

00:20:28:14 - 00:20:35:24

Finally, we would remind anyone that there would be no formal cross-examination today.

00:20:37:09 - 00:20:46:01

As such, any questions any parties may have need to be asked through the examiner examining an authority panel

00:20:47:28 - 00:21:26:02

in terms of the conduct and the management of the hearing. We are running it in accordance with Sections 91 and 94 of the Planning Act 2008 and the infrastructure planning examination procedure rules to 2010 specifically Rule 14 relating to procedure at hearings. I would remind you that Section 94 eight of the Planning Act 2008 allows the panel to refuse certain representations to be made at a hearing if we consider them inappropriate based on the provisions within the act.

00:21:26:04 - 00:22:04:09

I won't read those out, but they are quite clear as to what they are. Before we turn to the agenda. We should state for the avoidance of any doubt we will be using revision of the draft DCO and that was submitted by the applicant at deadline three and that is dated May 2023, which is examination Library reference rep 3005. An agenda for this hearing was published by the Planning Inspectorate on the project page also during May.

00:22:04:11 - 00:22:43:27

That was on the 23rd of May 2023, and we considered the main items for the discussion to be the following Item one Articles and schedules of the draft DCO Item two Schedule two of the draft DCO Requirements Item three, Article 40 for certification of plans and documents and item number four Update on progress with consents, licences and other agreements We may add to those as we progress, but it's likely will stick to the agenda as we as we go through our discussion.

00:22:44:05 - 00:23:19:12

Should any discussion take longer than anticipated, we may defer items or matters to written questions. Um, if you can't answer the questions being asked or require time to get the information sought, then please indicate as we go through the points and you indicate that you may need to respond in writing, we can then defer any response to an action point submitted at deadline for which is Tuesday the 20th of June, or to the next round of written questions.

00:23:19:23 - 00:23:22:18

Um, should that be appropriate?

00:23:24:13 - 00:24:07:27

In terms of the main discussion points. Issues that arise out of applications for development consent often need to be considered in multiple different ways. And drafting of the DCO is an example of a cross-cutting issue. For example, mitigation or controls proposed through the DCO may not address concerns addressed in relation to matters such as biodiversity, design, flooding or construction management matters. What we want to focus on today is not what mitigation may be required, but if it is required, how it is going to be secured, secured in the DCO as drafted, and how it's going to deliver the mitigation measures set out.

00:24:08:20 - 00:24:09:29

I can't confirm

00:24:12:04 - 00:24:28:08

that. I've gone through all of the points I need to, but I'm just going to quickly throw it out. Does everyone have access to revision of the draft DCO? I'm taking that as a yes and during discussion.

00:24:29:26 - 00:25:00:29

As I say, if you do need to defer to any written submissions, those will be at deadline for Tuesday the 20th June 2023. And the written questions that we're going to issue are going to be done on Thursday, the 15th of June 2023. So before I hand back to Mr. Butler, are there any other questions on the procedural side of the today's hearing?

00:25:05:01 - 00:25:10:02

I'll take that as a no. So I'll now hand back to Mr. Butler for the next agenda item. Thank you.

00:25:13:06 - 00:25:46:21

Thank you very much, Mr. Shrigley. Um, as per the agenda item. She's item two articles and schedules of the draft. Um, I'm going to ask the applicant to provide us with a brief walkthrough of each of the parts of the development consent order to provide us with an understanding of the power, salt and the context and the context for the discussion today. Um, this can be a very light touch, high level, but if the applicant would like to submit the full script of what they're proposing to do today, they can do so as well.

00:25:47:09 - 00:26:00:11

Um, as you have seen, the examining authority asked a significant number of questions in the first round of written questions in relation to the DCO. Thank you for the responses that they received in relation to those. Um.

00:26:05:00 - 00:26:11:02

One can ask the applicant to run through the the please the articles and structures.

00:26:12:26 - 00:26:16:16

Thank you, sir. Paula Majidi for the applicant. Uh.

00:26:18:17 - 00:27:02:16

There has been structure to having regard to the now defunct model provisions and precedent orders. It has followed the precedents which have been set out in the explanatory memorandum and fairly standard form in a lot of places. The first article that we would consider is the interpretation this provides. A number of bespoke definitions specific to the project, such as existing pipeline new pipeline. The key definitions which people often want to consider at that of Commence, which provides for a number of activities not to constitute commencement and or maintain, as the order authorizes, the construction operation and maintenance of the development.

00:27:04:08 - 00:27:34:09

Part two of the. So the principal powers which would be granted by the order. Article three provides that development consent granting authority under the Planning Act 2008 to construct and operate a nationally significant infrastructure project is granted that is subject to the controls and the rest of the importantly, the requirements and protective provisions. The consent is given for the CIP and ancillary works only. There is no associated development in this order.

00:27:37:09 - 00:27:57:01

Article four consenting. The operation of the authorised development includes a bespoke drafting provision regarding the repurposing of the existing pipeline that is necessary because the consent order under which that existing pipeline was constructed restricted the use to natural gas and we are proposing to change the fluid.

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

Article six sets out limits of deviation. We just wanted to highlight we are not proposing lateral limits of deviation because we have taken a corridor approach. The corridor shows the maximum extent and the works. Each works as shown in the works plan, show the maximum area within which our work could go. We are seeking lateral limits of deviation for the buried pipeline. Our general approaches that will be a minimum of 1.2m deep because that allows agricultural use to resume. However, at specific crossings, it could be considerably deeper.

00:28:34:08 - 00:28:37:18

And for example, it has to be a minimum of eight meters below the river.

00:28:42:00 - 00:29:12:20

The order seeks in Article eight to display a number of statutory provisions in accordance with the Powers and the Planning Act 2008 that aligns with the ambition of that Act to reduce the number of other consents needed alongside a DCO, or where these would conflict with the object of the DCO. I would note that item D in the list is precautionary as the temporary possession sections of the Neighbourhood Planning Act 2017 have not yet been brought into force. Where are they to be brought into force? There would be a conflict between those in the and that is there to prevent that arising.

00:29:15:03 - 00:29:35:16

On Article nine, the defence statutory nuisance. I know there has been some queries on this. The Planning Act 2008 provides a defense to actions of statutory nuisance brought by local authorities, but not to other persons aggrieved. This is generally seen as a gap in the law and this provision is to address that gap. It does not affect the powers of local authorities.

00:29:37:28 - 00:29:46:23

All right. So do you have the concerns? Street works and allows the undertaker to interfere with and execute works in or under the streets within the order limits?

00:29:48:15 - 00:30:18:28

It also includes powers to temporarily restrict or prevent use of streets while works are being undertaken. Part three requires to be read in conjunction with Schedules three, four and five, which lists the streets and accesses where these would be. These powers would be applied. The section also authorizes temporary restriction of public rights of way, and the affected rights of way are listed in Schedule six. It is not proposed to permanently stop up any right of way in the current version of the DCO.

00:30:22:22 - 00:30:50:04

If anybody has accidentally opened revision, if the numbers will go out here and suggest they need to go back and find number three and part four supplemental powers allows the making of connections and to watercourses and drains. We know there are a small number of watercourses in which we will need to connect to for surface water drainage from the edges and PVCs, and the details of those drainage connections will be controlled under the requirements.

00:30:52:07 - 00:31:24:11

Articles 22 and 23 are very much precautionary inclusions. Article 22 protect the works to buildings. We haven't identified any buildings which would need to be protected during construction, but this is there in case we do at commencement stage to authorise the protection of that building. Article 23 Concerns Removal of Human Remains. Again, this is very much precautionary. We have no reason to believe there are human remains which will require to be removed. However, if they were found, we would need to get a license from the Ministry of Justice.

00:31:24:29 - 00:31:58:10

The provisions of this article matter the conditions which are attached to such licenses so that the same protections would apply to those remains without the attendant delay of needing to go and get the license. We did add some more detail to that with regard to greater specificity on where the locations of where any works were found, its remains were found Part five of the Is powers of acquisition, the powers of compulsory acquisition of land and rights and the ability to override existing rights.

00:31:59:19 - 00:32:29:24

And as was discussed in the compulsory acquisition hearing, we are seeking to acquire the land and rights voluntarily. However, in order to ensure that development is deliverable, compulsory powers have been included and compulsory acquisition is sought on all of the land. The use of these powers is subject to a time limit of five years from the date on which the order is made, which follows precedent, timing and is included to prevent the powers existing over the landlord's interest for an unreasonable length of time.

00:32:31:10 - 00:32:55:25

This section also makes a number of amendments to compulsory acquisition legislation to allow it to function for the. Primarily, they amend other bits of legislation which consider the acquisition of land but not necessarily rights without land. These amendments are routinely included in all so that the acquisition of rights only functions properly under that other legislation.

00:32:58:27 - 00:33:14:24

Although not technically compulsory acquisition powers of temporary possession are also included in this part, partly because that is the common structure and partly because conceptually this set naturally with compulsory acquisition being interference with landowners rights.

00:33:16:15 - 00:33:38:03

Articles 34 and 35 allow the taking of temporary possession for construction and maintenance. The intention of such powers is to minimize the need for the use of compulsory acquisition by allowing the developer to take access to land it only needs during construction or maintenance without having to permanently acquire it.

00:33:42:14 - 00:33:54:00

We have provided for a notice period for the taking of temporary possession for construction of three months as that aligns with the Neighbourhood Planning Act 2016 as the most recent expression of government's intention on that.

00:33:57:12 - 00:34:25:00

Article 36 statutory undertakers would allow the compulsory acquisition of land and rights of statutory undertakers. We are not proposing to acquire any rights or apparatus of statutory undertakers at the moment. We cannot rule out that would be a piece of infrastructure we do not yet know about, which may need to be diverted when we actually go on site. But at the moment there is no proposal. It's very much, again another fallback position.

00:34:26:16 - 00:34:39:13

Any exercise under this article would be subject to protect the provisions currently under negotiation and obviously this could only be granted if the Secretary of State was satisfied there would be no serious detriment under section 127.

00:34:42:06 - 00:34:45:03

Part six of the. Miscellaneous

00:34:46:27 - 00:35:15:11

The Crown Rights Article and 41 provides it. Nothing in the order can affect Crown rights without the Crown consent. This reflects Section 135 and in some ways does slightly replicate section 135. It has been included because it is our experience that the Crown consent will not be granted without its inclusion. And since it is entirely in line with section 135 and creates no conflict, we have included it for that reason.

00:35:18:26 - 00:35:34:15

Article 42 applies. The protective provisions and the remaining articles in this section set out a number of technical points, such as listing the documents to be certified, setting out his services to be affected, and providing for the arbitration of disputes.

00:35:37:21 - 00:35:42:25

Moving on to the schedules. Schedule one sets out the authorized works.

00:35:44:13 - 00:35:57:07

Describing the consent for which we are seeking approval. Schedule two is the requirements which control the construction and use of the development as this is the next agenda item. Wasn't proposing to go through these in detail.

00:35:59:18 - 00:36:17:20

As briefly noted in passing, sections three, four and five provide the detail of the application of the street works powers under Part three, listing all streets for which the order provides the Street Works Authority and on which the undertaker could restrict or prevent traffic or use during works.

00:36:19:15 - 00:36:23:28

Schedule six currently lists the poverty negative way, which can be temporarily restricted.

00:36:25:21 - 00:36:46:25

Schedule seven list the land which cannot be compulsorily acquired and only temporary possession to be taken. As highlighted, we have subdivided that to try and make it very clear to landowners we're only used where we are only seeking to use this power to take access and we are not seeking exclusive possession. That's a self-imposed restriction. So.

00:36:50:03 - 00:37:20:20

Schedule it list the land where we are only seeking to acquire rights and not the freehold acquisition. This is again in accordance with the the principle of minimum interference with the land owners rights, where acquisition of rights only is sufficient to achieve our objectives. We are not seeking acquisition of freehold land. We are seeking the imposition of restrictive covenants on land to protect

the pipeline and to ensure that that planting or habitat works, which we are required to carry out, can be maintained during the required period.

00:37:22:13 - 00:37:31:29

Schedule nine provides the detail of the. Amendments to compulsory purchase legislation mentioned under the articles earlier.

00:37:33:16 - 00:37:58:28

Schedule ten. So so the protective provisions which will apply to the various statutory undertakers and other bodies who have requested them at the moment, some of those are still placeholders as those are under negotiation. Schedule 11 lists the hedgerows which may be removed. And Schedule 12 sets out a set of arbitration rules as there is no formal arbitration procedure prescribed by the Planning Act 2008.

00:38:11:22 - 00:38:25:06

Thank you very much, sir. I was just finishing my notes. So that's. That's a very quick whistle stop tour through the the development consent order, but clearly lays out its purposes and its intentions. Um.

00:38:27:06 - 00:38:57:07

As you would have seen from our first round of written questions, we asked a significant number of questions regarding the development consent order. Thank you all for your responses to that and the subsequent, um, correspondence that's been going between the parties with updates at subsequent deadlines effectively that we've been tracking effectively. Um, as a result, you might be relieved to know that a lot of the questions regarding the articles as schedules have reduced.

00:38:57:15 - 00:39:38:27

Um, and there seems to be quite a lot of clarity between the parties with regard to certain bits, with only limited disagreements with regard to various other, other elements. And we'll come through those as we go. Um, so what I'm going to do now is I'm going to go through each of the articles and ask questions where I have any in respect to the development consent order powers, um, seeking responses where appropriate, from the applicant, the local authorities and other interested parties, um, who have registered to speak, but also invite any other parties that want to speak to, um, to ask or to, to raise any questions they would have through the examining authority if appropriate, as we go through them.

00:39:38:29 - 00:40:02:03

So if, if anybody does want to raise anything, if you're in the room, raise your hand or speak out. If you're joining us virtually online, put your camera on if it's off or use the virtual raise hand function teams. So proceeding with the the schedules in terms of, um.

00:40:03:26 - 00:40:39:19

Not one. This is just a flag up. I've noted the second paragraph from the top. Um, under preliminary matters talks about special category land in regard to open space. I just wanted to draw that to everybody's attention because it has been included. But we raised some specific questions yesterday with regard to whether it's open space, designated open space, whether it is all designated open space and falls within that special category, land capture or otherwise.

00:40:39:21 - 00:41:15:02

So at the moment it's in there and I'm flagging it up to you. But but the applicants doing some research, I believe, with regard to the questions that we raised yesterday and that element may change or it may not. I don't know what the answer to the question is that we answered yesterday. So it will become clear as we progress through with subsequent submissions of the draft development consent

order. So moving on in terms of Part one and preliminary matters. Um, I have no questions in regard to citations and and commencements.

00:41:15:04 - 00:41:50:18

Does any party want to raise anything with regard to citations and commencements? No. Uh, interpretations. I have some questions with regard to interpretations. The applicant's definition of ancillary works is noted, but part two of schedule two is very open in its wording. Um, I'd like to know what you mean by works for the benefit of the protection of land affected by the authorized development. It's it's so broad that I'm wondering whether or not, um, it needs to be refined.

00:41:51:02 - 00:42:06:21

Um, and for the purposes of works in Wales, um, you know, is there such a thing as ancillary works? I don't believe there is in this, this instance, but if you could could tell me, I'd be grateful.

00:42:18:24 - 00:42:31:24

Parliament giddy for the applicant and I'm happy to double check, but I'm very sure that we can have ancillary works because they are the works necessary to deliver the ends that they are not associated development. We could not build it without these.

00:42:31:26 - 00:42:51:15

Yeah, perhaps I'm conflating the two in actual fact, but it was a question worth asking. So in actual fact then if we just go back to the original question, the wording seems very broad to me and I would ask you whether or not it needs further refinement.

00:42:53:18 - 00:43:31:07

Parliament giddy for the applicant. I entirely agree it is broad, but it is deliberately broad because we do not have a detailed design at the moment. I cannot specify and I couldn't tell you precisely for example, which earthworks we would need or where we find a bit land that would need protection. We know, for example, in the vicinity of some of our work site, our Altamira Brook, for example, there is landslip and we might need to do some work to stabilise that before we can work in that vicinity. But until we get on site, finalise the solid ground investigation and have a detailed design, it is very, very hard to define precisely all these ancillary matters.

00:43:31:12 - 00:43:52:04

So they are deliberately drawn in quite a wide manner, given the first of all, the the extreme difficulty in amending a or quickly, it is not really possible to amend it quickly for minor matters and the need for the project to have a bit flexibility to deliver the detailed design as and when we know the parameters of that.

00:44:02:24 - 00:44:15:19

Thank you for your response on that. I'd be interested to know whether any either of the councils want to say anything with regard to the definition of ancillary works, either just a West or Chester Council or Flintshire County Council.

00:44:18:07 - 00:44:24:15

You don't need to say anything if you don't want to. I'm getting shakes of my head from Chester Western Chester. But I'll.

00:44:26:23 - 00:44:44:12

Nope. Ventura pass in two. So thank you very much on that. Um, thank you for your explanation of that. Um, moving on to another definition within the interpretation section. Um, authorized development. Um.

00:44:48:20 - 00:45:06:00

Does does this definition. Definition needs some clarification with the wording in part one of being added before the word schedule one. Sorry, it's a very technical point, but. And specific, but think there's some text missing for that.

00:45:06:08 - 00:45:08:28

We would have no objection to adding that. What do sort of an extra version?

00:45:09:10 - 00:45:22:16

Okay. Um, won't mark that down as an action point, but I know you've noted it. Um, do any interested parties have any comments to say with regard to authorized development and the definition of.

00:45:24:01 - 00:45:27:06

The get no indication. No. Hands up.

00:45:29:18 - 00:46:06:16

Um. In terms of the definition of commencement. Cheshire West and Chester Council are seeking the deletion of the erection of fencing to the site boundaries or marking out of the site boundaries. Installation of amphibian and reptile fencing. The diversion and the laying out of services or environmental mitigation measures from the definition of commencement. The examination. The examining authority would like to ask Chester, Cheshire West and Chester Council why it doesn't consider these should be included within the list of definitions.

00:46:06:22 - 00:46:43:26

For example, and this is just throwing it out there doesn't need to be secured for development commences, i.e. the erection of fencing. And doesn't a site need to have protected species removed where there's a licence, a licence been issued prior to development commencing and protective species. Um, fencing needs to be erected before they can do that because obviously they can't remove reptiles and other protected species from within a site without the site being cordoned off in the first instance.

00:46:43:28 - 00:46:53:18

So with that in mind, I'd invite Chester West and Chester Council to respond to please in terms of their justification for the removal of those four items I've just read out.

00:46:54:15 - 00:47:08:17

Michelle Spark for Cheshire West and Chester Council. I've just sought clarification from my client in this matter and its concern and apologies for not making this clearer is in relation to whether that fencing is permanent or not.

00:47:09:08 - 00:47:11:01

Right. Okay. Um.

00:47:11:09 - 00:47:14:10

And we welcome some clarification from the applicant on that.

00:47:14:12 - 00:47:25:24

Okay. In that case, I'll revert to the applicant to, to advise whether or not they can they can make it clear that the those items would be temporary for the duration of the works.

00:47:28:27 - 00:47:48:19

A parliament giddy for the applicant. Our fencing would just be for the period of construction. I cannot I'm not in a position to give you a guarantee on amphibian reptile fencing because I'm not offy

enough with what these European protected species licenses may require on that, I'm afraid. But we would not expect to leave fencing up after we had finished constructing in a particular area.

00:47:49:22 - 00:48:18:08

Okay. Um, can I ask you in that case to, um, do something in response in writing by deadline for as an action point with regard to whether or not the items I've listed could be identified as temporary works during construction, for example, or some other mechanism to make it clear that they are there for a temporary or they're a they're of a temporary nature.

00:48:38:29 - 00:48:41:04

So just making a note of that action point.

00:48:43:06 - 00:48:52:01

Do any other interested parties have anything they want to say with regard to the definition of Commencement within Article two.

00:48:53:27 - 00:49:26:03

No indications in the room or virtually. Thank you. I'm going to move on. I want to talk briefly about the definition of outline landscape and ecological management plan. Um, I think the document is actually called Outline Landscape and Ecological. Sorry. The first document, the definition is outline landscape and ecological mitigation plan is the definition in the the, the interpretation section. But I think you're actually referring to a different document, which is the landscape outline landscape and ecological management plan.

00:49:32:15 - 00:49:34:00

I just think it's a drafting error.

00:49:37:13 - 00:49:59:21

Noted. Yeah. Okay. Does anybody else have anything to say on that particular item? Thank you. I'm going to move on then. Um. This is the same point. Definition of outline Operational and maintenance Environmental management plan is incorrect and I believe it should read, outline, Operational and Maintenance Environmental Management Plan.

00:50:02:00 - 00:50:07:20

Anybody wants to say anything on that point, raise your hand or raise virtually. No, thank you.

00:50:10:16 - 00:50:35:04

Just to flag up at this point, and I'll come to this again later in a subsequent article. The the definition of register of environmental actions and commitments, otherwise known as the reek. Um believe um that states that the document is to be certified by the Secretary of State. However, it is not listed in Article 44 of certification of plans unless it's one of the documents registered as part of the environmental statement.

00:50:37:16 - 00:50:57:27

Luckily for the applicant, it will form part of the environmental statement. It would not be certified. It's simple. Sorry, it was at one stage going to be and we changed our mind on the approach as my error. It is simply a route map to assess people and seeing where the commitments in the environmental statement are secured and the other control documents. It doesn't actually contain anything that isn't in another document.

00:50:57:29 - 00:51:13:19

No, that's that's fine in that in that case, the definition needs to be updated in that case or removed if it's not necessary. Um, but I'm not marking that as an action point. It was really just flagging it up as, as a potential issue.

00:51:16:08 - 00:51:42:23

Article six Limits of Deviation. Um. Note that Chester West and Chester County sorry, Cheshire West and Chester Council reserve its position in regard to our questions raised at first written questions on this article. Um, our Cheshire West and Chester Council in a position to respond now. Um, or if not, can they advise when they are going to be in a position to respond? Because I'd like to know your thoughts on the matter.

00:51:43:07 - 00:51:48:08

Michelle Spark On behalf of Cheshire West and Chester Council, we have no comments and we're happy with that article.

00:51:48:19 - 00:51:51:06

Thank you. It's good to resolve. Thank you very much.

00:52:09:11 - 00:52:18:28

I've just realized I've jumped several articles without asking anybody if they wanted to raise anything in regard to them. So I'm just going to revisit those. Um.

00:52:21:00 - 00:52:33:16

Article three is I'm going to read them out if you want to speak on them, because I haven't got any questions on these particular articles, but I'll read them out. If anybody's got any questions, Can you raise your hand? I've got a I've got a hand raised from Sarah Ward already, actually. So.

00:52:33:18 - 00:52:36:07

Sarah and yes, so sorry.

00:52:36:17 - 00:52:44:23

On behalf of Insect Limited, it was on the limits of deviation article Article six, if that's alright. So. Or would you rather go back to the previous ones first. No, no.

00:52:44:25 - 00:52:45:17

And carry on.

00:52:45:19 - 00:53:24:06

It was just a query on the depth of the pipeline which is of some concern for my client and the 1.2m below and in some cases just 0.452m below the surface of the ground, which appears very shallow and the M6 site is subject to redevelopment plans. It's got a railway running through it, so the depth of the pipeline is of some concern to us. So just to flag that, I don't know if Justin or Anita in the room want to add anything further on that, but it's it's to flag that this is a concern that we would like to see that being quite a lot deeper, um, through the site.

00:53:25:08 - 00:53:36:00

I believe the applicant responded to your clients yesterday in regard to some of those passages with regard to depth, and it's something that's currently being investigated, but I'm sure the applicant can respond.

00:53:40:08 - 00:53:41:26

So just they're just discussing.

00:53:41:28 - 00:53:42:16

So no.

00:53:42:18 - 00:53:43:03

Problem.

00:53:43:15 - 00:54:03:03

We apologize for the applicant. The dates under the railway, first of all, would be put in by trains. Installation techniques would be considerably deeper in a way, and we would be guided by the railway operators on that. As to the minimum depth acceptable to them. It's very much a matter that could be secured and protected provisions if it remains of a concern.

00:54:08:25 - 00:54:09:13

Thank you.

00:54:11:14 - 00:54:19:18

Okay. Have a couple of other hands up. Um. Sorry. Can't read the screen from here because the names are underneath it. But I think.

00:54:22:25 - 00:54:43:00

Hi. Yes. Tanzi Galvin, a senior lawyer at National Highways. It was just off the back of the question around the the depth of the pipeline. I know that my client, John Hope, had a question with regard to what the depth of the pipeline is likely to be underneath the the I don't think we've seen anything that fixes that.

00:54:44:14 - 00:54:59:27

Um, just so you're aware, there is a question that will be published in our second round of questions that asks something similar for some sort of guidance, but perhaps the applicant can give some sort of indication at this point in time.

00:55:03:01 - 00:55:10:09

Uh, thank you, sir. Problem for the applicant and the particular case of national highways. We have already agreed to comply with their

00:55:12:03 - 00:55:24:10

standard 622 managing geotechnical risk. So that would be a matter that they would have to. We would work with them and they would have to approve. We don't I can't give you a precise figure right now, but we have agreed to comply with that standard.

00:55:24:12 - 00:55:28:13

Okay? Yeah. Ms.. Galvin, does that help at all?

00:55:28:20 - 00:55:36:11

Yes, it does. Thank you. Um, also had a question with regard to the definition of street, but I'm happy to follow up in writing because I appreciate we've moved on from that.

00:55:36:18 - 00:55:47:07

Okay. I apologize for that. I hadn't spotted your hand being raised in the first instance. So. So I do apologize that it's okay. But if you could raise that in writing subsequently at deadline for, I'd be grateful.

00:55:47:20 - 00:55:48:12

That's fine. Yet.

00:55:48:29 - 00:55:55:20

Okay. If you could put your hand down then and then I've got Emory McLaughlin from the Environment Agency.

00:55:58:06 - 00:56:47:06

Anne-Marie McLaughlin, Environment Agency. Yes, it's just in relation to the pipeline deaths. We did previously raise a slight concern, particularly where it may be shallower at watercourse crossings. And we understand that the applicant responded to us and suggested a set of protective provisions, but for our initial thought would be that this would it be more reasonable to seek this through a requirement, for example, requirement for for the scheme design whereby assessments associated with ground conditions and consideration for water framework directive as one of the matters raised is in relation to the assessment of hydrant morphological elements to ensure that those types of reports and assessments inform the pipeline depth at watercourse crossings specifically.

00:56:47:15 - 00:56:52:09

And but happy to revisit that as part of the requirement discussion.

00:56:52:21 - 00:57:17:02

Okay. That's that's fine. In actual fact, we are going to come to think it's requirement five, which is regarding design or form, regarding the design of the development of a later stage in a subsequent agenda item. So by all means, I'm sure the applicants heard what you've said now, but feel free to repeat it when we get to to that item, which will probably be in the next session, to be honest.

00:57:17:18 - 00:57:18:03

Okay.

00:57:18:05 - 00:57:23:05

Thank you. Thank you for your involvement. Um, just. Just going back through, um.

00:57:25:01 - 00:57:51:17

Through the articles. So I missed development consent. ET cetera. Granted by the order. As if we got anything to raise on that operation and use of the authorized development. No indication on that article. And then the one the next one missed was how was to maintain the authorized development. Does anybody have any questions with regard to that specific article? Okay. Thank you.

00:57:56:15 - 00:57:58:08

The limits of deviation.

00:58:01:14 - 00:58:06:20

Nobody else wants to raise anything with regard to limits of deviation. Do they? Thank you.

00:58:08:28 - 00:58:16:28

In terms of I've got another question with regard to limits of deviation. And I think it's. I think it's just really what the.

00:58:20:29 - 00:59:17:23

It's really just some clarification that the parties were just seeking. Article 61 provides the pipeline works would have a vertical upwards limit of not less than 1.2m below the surface of the ground, except where the ground conditions make make compliance with that upward limit impractical, in which case the upward limit would be 0.452m below the surface of the ground. Um, can the applicant provide some clarity either now or in writing at a later stage at deadline for as to why and where the limits of 0.452m would be likely to occur? Or is that something you can't predict at the

moment? Um, and what would cause the pipeline to need to be so shallow under the ground? Um, in Converse, just putting it out there.

00:59:18:11 - 00:59:25:09

Article 61C allows for a deviation of a depth of up to 35m maximum. Um.

00:59:27:29 - 00:59:48:20

Where again, where is such a depth likely to be required? I mean, I'm guessing you're going to say under the river, but again, it would be nice to have some clarity as to where these limits of deviation are likely to occur. Although I do accept it's a bit of a moveable feast and until you've got certain. Certain survey work back, you probably won't know.

00:59:50:25 - 00:59:55:00

But thank you, Sir Paul McCartney, for that. Yes, you're correct.

00:59:56:23 - 01:00:26:24

The 4.52m would be where we encountered particular kinds of rock that we couldn't couldn't. I'm sure Mr. Glass will be appalled. Didn't dig through, and we'd have to blast us to avoid the need for blasting. Right. The deeper limits of deviation. And so the river, as the prime example of this we have, if we use, we would be 16m below the bed of the river, which is already eight meters below ground level.

01:00:27:00 - 01:00:32:01

That's as at 24m as a minimum. Yeah. So it's to provide some flakes for that crossing.

01:00:32:03 - 01:00:36:20

Right. Okay. Is is that likely to occur anywhere else?

01:00:51:24 - 01:01:04:22

Let me get you for the applicant. We don't think anybody else is likely to be as deep. The minimum depths on the river are partly to secure compliance with the habitats regulations. We need to be deep enough below the river that we're not affecting the species within it.

01:01:04:28 - 01:01:11:09

I understand that. Thank you very much. Does anybody else have any questions they want to raise on what they've just heard the applicant say?

01:01:13:18 - 01:01:16:02

Okay. In that case, I'll move on to my next question.

01:01:33:10 - 01:02:05:00

Okay, so article six one D2 allows for a deviation of the works other than the pipeline vertically downwards to an extent that may be found necessary and convenient. So there's no actual specified depth, particularly, um, but there's no similar limitation specified in the groundworks aspect of the requirements in schedule two. And I was just wondering why is it not deemed to be necessary or is it something that should also be included in the requirements section?

01:02:08:04 - 01:02:17:14

Parliament. Giddy up again. Sorry, Sorry. Can I just clarify what you mean by groundworks? Do you mean actually the reprofiling of earth and creating levels is okay. Can I have one second?

01:02:17:18 - 01:02:27:01

Yes. I mean, I suppose it also goes to any any physical structures that you need to to put into the ground as well. So. So any.

01:02:30:12 - 01:02:38:28

Any supporting structures that would hold the pipeline or works related to the pipeline like raft foundations. Or piling.

01:02:43:21 - 01:03:11:23

Make a deal for the applicant. Suspect We can give you a better answer in writing, sir. But fundamentally, that that provision was that provision was drafted with the surface sites in mind. We're going a little bit deeper to make the pipeline as it has no impact. Going taller above the maximum height of the structure would have an impact in terms of landscape and visual, for example. So it it was to allow deviation from the indicative engineering drawings on the surface site primarily. But we will have a wider think about that.

01:03:11:27 - 01:03:26:00

Okay that's fine. Mean this as I say, I think it's more related to the physical structures anyway. So the the aboveground installations and the blocking valve stations or block valve stations and it's just some sort of certainty as to

01:03:27:18 - 01:03:42:11

how deep any works related to those would need to be. So, you know, for example, if you need to put any piling in, for example, because of because the ground conditions, how deep would that be? Is that even likely?

01:03:44:02 - 01:03:47:08

I'm guessing it's probably all going to be put on a raft, to be honest with you.

01:03:50:18 - 01:03:58:15

Uh, well, again, for the applicant, we would struggle to tell you definitively know that we know Piling. I'm afraid. Can we put.

01:03:58:17 - 01:04:11:29

That as an action point? I'm not pressing it. I'm just. I'm just trying to explain myself slightly better. Um, so we'll put an action point against number ten. My question. Ten days.

01:04:33:07 - 01:04:34:18

Okay, I've got that.

01:04:48:19 - 01:05:13:15

Okay, so Article six two, um, in terms of limit limits of deviation sets out that the Secretary of State is the determining authority. Um, my question was, is why is that the Secretary of State and not the local authority to the local authority satisfaction in consultation with relevant statutory undertakers. Is there a specific need that the Secretary of State is listed as the arbiter?

01:05:25:19 - 01:05:38:24

Paula McAteer for the applicant and the drafting of this follows precedent, including precedent and certifies Secretary State. We simply followed that. I'm afraid we didn't have any particular legal reason we know of that. It needs to be the Secretary of State.

01:05:39:24 - 01:05:54:26

Okay, that's fine. I thought you might say that, but I just wanted to put it out there and ask so it makes it clear in my mind. Sorry. For some reason my computer has just jumped several pages, so I'm just cutting back.

01:05:58:02 - 01:06:11:07

Yeah. Did did actually note that there's a similar provision identical to yours in the London Southampton Southampton pipeline project, which I'm guessing you probably copied. Not copied, but followed. Should say so.

01:06:11:09 - 01:06:51:01

Had a look at Julian Boswell for the applicant. I suspect the reason the thinking there is that it's the Secretary of State that has fixed the the core sort of envelope, as it were, for the project. And therefore and this in this case, it's obviously a vertical envelope going well up and down, and therefore it's appropriate to go back to him or her to reopen that as opposed to going to the local planning authority, which would amount to giving them sort of control over the core content.

01:06:51:19 - 01:06:53:26

I suspect that is the thinking. Yeah.

01:06:54:04 - 01:07:05:15

No, it's it's logical. As I say, I just wanted to ask it as a question. So get it straight in my own mind as to, to why it was the Secretary of State as opposed to another authority. Um.

01:07:08:02 - 01:07:10:18

Of noted I'm going to move on to.

01:07:16:15 - 01:07:18:02

So bear with me for a second.

01:07:40:10 - 01:07:52:22

And I'm going to move on to the next item, so I haven't got any questions with regard to benefit of the order. Does anybody in the room have any items on benefits of the order books? Article seven.

01:07:54:18 - 01:08:03:21

I don't have any questions with regard to Article eight applications and modifications of legislative provisions. Does anybody in the room or virtually have anything that they want to raise?

01:08:05:09 - 01:08:39:04

So Michelle Spark for Cheshire West and Chester Council, we have made representations a number of times on the application of the land drainage consent, and we've suggested a way forward is and the reason for the suggestion of protective provisions is because there's insufficient detailed design at the moment. And so we need that protection in regards to interference with ordinary watercourses and we can come to that later. But we have raised that I think, in multiple submissions and just wanted to raise that for removed on.

01:08:39:12 - 01:09:16:12

In fact, I've got a note here that you objected to the application of Section 23 precipitation of obstructions, etcetera, in watercourses and section 30 authorized authorization of drainage works in connection with the ditch of the land drainage Act 1991 on the basis that they consider the drainage works, or you consider the drainage works to be dealt with in a in a DCO requirement. Eight surface water drainage appears to address that concern. But I was wondering if you wanted to expand to now on that concern or do you want to leave it until requirement eight when we get to in the next session?

01:09:16:14 - 01:09:19:03

Yeah, we can leave that to requirement eight. Thank you, sir. Okay.

01:09:19:17 - 01:09:23:22

We'll come back to it. In that case, if I. If I slip past it, can you remind me?

01:09:25:23 - 01:09:26:08

Yes, sir.

01:09:26:10 - 01:09:28:22

No problem. Okay.

01:09:29:25 - 01:09:31:22

Anybody else on articulate?

01:09:32:08 - 01:09:39:22

Yes. Susan Cordner Flintshire County Council. And we've got similar concerns about the application of the land drainage provisions. Right.

01:09:39:24 - 01:09:47:21

Okay. Understood. Again, if we come to it in article sorry, in requirement eight in the requirements section. Thank you.

01:10:06:17 - 01:10:18:05

Okay. So, um, defense in proceedings in relation to statutory nuisance, which is Article nine, does anybody have anything they want to say with regard to that? I have no specific questions.

01:10:20:08 - 01:10:35:17

Getting no indication. So we're going to move on to Article ten, which is street works. Um, a note that Flintshire County Council has not raised any concerns in regard to this article. Street Works, but Cheshire West and Chester Council.

01:10:37:06 - 01:11:36:04

I've commented on Article ten Street Works, Article 11 powers to alter layouts of streets. ET cetera. Articles 13 Temporary Restrictions of Public Rights of Way. Articles 14. Temporary Restrictions of uses of Streets. Article 15 Access to Works. Article 18 Traffic Regulations. Most of those comments seem to be related to the period of response that they have where they're seeking 70 days, which is ten weeks in terms of articles ten, five, 11, four, 13, five, 14, seven, 15, 218, three A and 18 eight as opposed to the 42 days currently being specified within the document, Can Cheshire West and Chester Council please clarify why a period of ten weeks rather than the six weeks that is being included currently is required to determine a street work submission?

01:11:37:12 - 01:11:51:19

Michelle Spark, on behalf of Cheshire West and Chester Council have taken instructions specifically on that point this morning. And so long as there's discussions prior to the applications coming forward, my client is happy to accept the 4 to 2 days so we can draw a line to that, sir.

01:11:53:23 - 01:11:59:02

Okay. Just just to clarify discussions in advance of what does that mean?

01:11:59:17 - 01:12:34:05

And so usually when applications are made under a DCO in respect of consultation, then there's usually discussions between the local authority involved and the applicant. And that was just clarified

in an instructions that I took this morning that subject to those just continuing dialogue essentially happening, then my clients happy with the 42 days period. So I think the applicant has already suggested that there's going to be some potential work done in advance of applications coming through.

01:12:34:07 - 01:12:42:05

So on the basis of that offer from the applicant, that work will be front loaded, then my client's happy with the time period.

01:12:42:08 - 01:12:42:23

Is.

01:12:43:16 - 01:12:59:09

I suppose this is a question then for, for the applicant and also feel free to respond to what you've just heard. But is there a requirement then to add in the pre consultation element into the into the article at all?

01:13:00:27 - 01:13:35:18

But could goody for the applicant. In response to your direct question, we would say no, that would rather that would rather have the effect of lengthening the time period. We would note that in the outline construction traffic management plan, for example, there are transport delays on groups. That is an ongoing forum for discussion and working together and the street works that would be coming in for a consent form would be sort of additional to what we have already put in the street work schedule. The requirement for those would most likely be coming out of discussions with the local Highway 30.

01:13:35:20 - 01:13:43:29

Right? So I don't think it's a problem for us to say we would commit and commit in that outline plan, for example, to pre consultation on all of these matters.

01:13:44:01 - 01:13:56:13

Yeah, I think what I'm actually trying to do is, is to tick the the concern off because obviously the way it's been presented by the council is that there's a there's a

01:13:58:02 - 01:14:00:10

pre agreement stage.

01:14:02:07 - 01:14:39:00

Because they said they were happy with the 42 days subject to. And it's just how how I can be satisfied that they they are now satisfied. So so I, I would like to see something from from the parties that that tells me how how that is going to be achieved. Um, albeit it might be outside of the development consent order. Um, and. I'm gonna I'm going to leave that as a as a as an action point for you to discuss amongst yourselves and, and let me know at deadline for what your solution is.

01:14:39:27 - 01:14:44:24

Or whether there is a need for a solution. Even though I might be making a problem that doesn't exist.

01:14:44:29 - 01:15:04:21

So so Michelle Spark for Cheshire West and Chester Council. And we are happy to take that offline. We were discussing yesterday with the applicant and need for a meeting next week to discuss street works and highways issues generally, and we're hoping to arrange that for next week so we can come back to you. Um, I would agree.

01:15:06:09 - 01:15:16:13

With the applicant that don't think there's a need for any pre consultation to go into the DCO. Think that's something that can be dealt with outside of the order itself.

01:15:17:11 - 01:15:24:21

Okay. I have a hands up from Tanzi Galvin. Would you like to say something?

01:15:25:00 - 01:15:40:22

Yes. Tansy Galvin. For National Highways. Just a quick comment with regard to Article ten. And my understanding is that there's no national highways worked within schedule three. And we've got a bit of a concern with regard to paragraph three, which refers to, um,

01:15:42:09 - 01:16:13:00

or for purposes ancillary to it enter onto so much of any other street, whether or not within the order limits. I think there's a couple of occasions where that sort of wording appears in the draft at the moment. Um, it might be something that can be picked up within the definition of street. But think we do have a concern at the moment just with regard to the potential wide wording of that. Um, and subsequently, if um, our consent is required query where the 40 day, 42 days would be sufficient to be able to turn that around but would defer to my client on that point.

01:16:15:29 - 01:16:21:06

Does your client want to speak now or are you going to follow up in writing at deadline for.

01:16:21:28 - 01:16:29:14

Yeah. John Hopewell National Highways. Just respond to his point. Think that needs a bit of consideration and we'll respond by deadline for.

01:16:30:01 - 01:16:31:02

Okay. Thank you.

01:16:34:09 - 01:16:48:16

I'm not actually going to mark that down as an action point. I'll just let National Highways follow up naturally, if that's okay with those points. And clearly the applicants heard what you've said as well. So

01:16:50:03 - 01:17:00:22

although I've got an action point noted for, um, Cheshire West and Chester Council, Cheshire West and Chester Council and the applicant in regard to, to their confirmation.

01:17:02:25 - 01:17:31:27

Um, also in terms of Article ten Street works, um, do Cheshire West and Chester Council and Flintshire County Council and any other relevant Highways Authority operate a street permit scheme? A street works permit scheme. If so, should such a scheme be referenced or included with any of the protective provisions agreed between the applicant and the relevant Highways Authority? Can I ask Cheshire West and Chester Council first, please?

01:17:35:09 - 01:17:40:17

Shell spark for Cheshire, Cheshire West and Chester Council will get that right, sir.

01:17:41:10 - 01:17:42:13

So will I. At some point.

01:17:43:06 - 01:17:50:16

Can I please pass to my client, James Orme, to answer that question, particularly, please, if you'd like to introduce yourself. James.

01:17:52:01 - 01:17:56:18

But it's a change from Cheshire, West Chester Council. Yes, the authority operates a permit scheme.

01:17:57:11 - 01:18:03:09

Right. Okay. Thank you very much. Flintshire County Council. Do you have a similar scheme?

01:18:03:27 - 01:18:07:27

So using coordinate Flintshire County Council. Now we don't have a street permit scheme. Okay.

01:18:08:18 - 01:18:16:26

Um, and I don't I'm guessing national highways don't have a similar scheme, but I'll ask national highways if they can tell me whether they do or don't.

01:18:17:18 - 01:18:29:00

Yeah. John Hope National Highways. Not a street permit scheme in this regard. We have a road booking system, which is probably the closest thing to it, but not the street permit scheme that's being referred to here.

01:18:29:14 - 01:19:04:00

Okay. Understood. Fine. Um, in, in that regard, suppose that because two of the major highways authorities and fortunately we don't have anybody here from the Welsh government as far as I'm concerned, or, or their highways division. Um, but because they. Because two out of the three responses I've got don't have one. I suppose the best way to proceed is, is the way you've set out in your articles already without reference to the Street works scheme that Chase Cheshire, Cheshire West and Chester Council have.

01:19:06:10 - 01:19:07:15

Would that be correct?

01:19:11:17 - 01:19:20:08

Well, I'm giddy for the applicant. That would be our preference. Given that the Street Works article provides that this this order would be a statutory authority to carry out street works.

01:19:20:10 - 01:19:20:25

Yeah.

01:19:20:27 - 01:19:28:11

Okay. Understood. Thank you very much. Is there anything else that Cheshire West and Chester Council wanted to say with regard to their permit scheme?

01:19:30:00 - 01:19:33:21

Shell spark on behalf of Cheshire West and Chester, can I have just a moment? So it's taking.

01:19:33:23 - 01:19:34:12

Structural.

01:19:46:04 - 01:20:11:01

Michelle Spark on behalf of Cheshire West and Chester Council in relation to the permit issue, and I've just taken instructions from my client and we would need notice of the works coming forward and but think that's something that we potentially could pick up with the applicant in our ongoing

discussions. I'm not necessarily asking for something to be included in the order, but something to be discussed between us.

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

I understand that and it's something that we don't need to necessarily be involved in. It's just that I'm aware of such street work schemes elsewhere. It wasn't clear to me whether any of the parties, whether any of the relevant highways authorities had such a scheme. So it was worth asking. And because if you did all have one, it might make life easier. But if as you as you don't, it doesn't necessarily. But. Okay. Thank you for that. Thank you for the clarification. I'm going to move on to, in fact, before we move on to the applicant want to to reply to anything that they've heard.

01:20:45:28 - 01:21:03:25

I'll make it up there. I'll be very brief in terms of notice, there are a number of processes which would also already provide notice to the council, including, for example, the construction traffic management plan, the how we access these approvals. There are a number we we can pick up in discussion, but there are a number of processes already.

01:21:04:08 - 01:21:36:07

That's perfectly fine. So thank you very much. In that case, I'm going to move on and we're going to Article 11. Um, which is powers to alter and layouts etcetera of streets. Um, Article 11 one refers to temporary works in a street as specified in column two of part one of schedule three. Um, and then goes on to, uh, to read in a manner specified in relation to that street in column two.

01:21:36:21 - 01:22:14:22

Um, in the manner, in the manner specified in relation to the sorry, it's the way it reads. So it goes on to read in the manner specified in relation to streets, the that street in column two. That's the important part. But then it also says in the manner specified in relation to that street in column three, having read through Article 11 one a few times, it would appear the wording is superfluous. The first set of wording which refers to column two is superfluous. Um, can the applicant reviewing amend if required? Does anybody else want to say anything on Article 11?

01:22:16:27 - 01:22:18:10

If no indication.

01:22:20:02 - 01:22:20:17

So.

01:22:20:19 - 01:22:21:09

Excuse me. Sorry.

01:22:21:11 - 01:22:24:06

Yes, sorry, sorry. Clint didn't. Didn't see you, like, got.

01:22:25:13 - 01:22:55:20

Caught in a lynch against council. We just raised an issue. We have raised it with the applicant over 11 three about restoration. So the reason? Satisfaction on the streets or any street that has been temporarily altered under this article. Um, under the street works out, we'd have a two year period where we could notify the applicant or the person has carried out the work of a defect and they'd have to remediate it. We have been in discussion with the applicant over revising those provisions.

01:22:56:11 - 01:23:04:17

Did discuss yesterday with Paul and McGee about a 12 month period, but don't have instructions to accept that at the moment, but just want to draw it to your attention.

01:23:04:19 - 01:23:36:11

Yeah, I think I picked up on that because there's one that says 12 months and there's one that also says 24 months, isn't there? I think if I've read Riley and that's the same article we're talking about, um, but obviously that's, that's going to come out in further discussions you're having with the applicant and I'm sure you're, you'll be advising the examiner authority of, um, of the, the conclusion to your discussions at some point. So it doesn't need to be a specific action point from our point of view as far as I'm concerned, unless, unless you want to add it in.

01:23:41:09 - 01:23:47:14

Susan Courtney Clinch County Council think it just helpful in terms of tracking for us to have it as an action point. Thank you. Okay.

01:23:52:04 - 01:23:53:22

Yeah. Thank you.

01:23:55:15 - 01:24:02:24

Um. Anybody else with regard to Article 11 powers to alter layouts of streets, please.

01:24:07:23 - 01:24:16:13

I'm going to move on then to Article 12 was application of the 1991 act. I haven't got any questions, but does anybody want to raise anything?

01:24:18:27 - 01:24:33:13

In no indication I'm going to move on. Article 13 Temporary restrictions of a public right of way. Again, I don't have any questions. A lot of what raised has already been resolved following first written questions. Does anybody want to say anything?

01:24:36:04 - 01:24:45:10

Get no indication again. Article 14, which is temporary restrictions and use of of use of streets. Um, I have um.

01:24:48:18 - 01:25:15:18

Only have one minor point on this. Um, I think there's a, there's a space needing to be inserted within the, the document or within the text. Article 14 six between the word part and the open bracket. I think there's a space missing, but it's a typo. I believe I'll let you. It's not an action point. It's it's it's just a my pedantic nature, I'm afraid.

01:25:20:16 - 01:25:28:18

I have nothing on Article 15 in relation to access to works. Does anybody want to raise anything with regard to article 15?

01:25:32:22 - 01:25:40:09

Article 16. Agreements with street authorities. Does anybody want to raise anything? I have no questions.

01:25:43:21 - 01:25:50:21

Moving on. Article 17 Use of Private roads. Does anybody want to raise anything? I have no questions.

01:25:55:20 - 01:26:21:03

Article 18 relates to traffic regulations. Um. I know that Article 18 two refers to um, the term Chief of Chief Officer of Police. Um, but there is no definition of that term. Um, whereas highways authority

is defined, etcetera and so on. I'm just wondering whether or not that term needs to be defined in Article two interpretations.

01:26:25:02 - 01:26:34:07

Pull them up that I can certainly look at that sort will most likely seek to matter the definition and the traffic regulation.

01:26:35:14 - 01:27:02:04

The main reason I've asked other CEOs I've worked in, they've they have actually included the definition of who that person is. So it's clear who is actually being consulted. Do any other interested parties want to raise any questions about traffic regulations? Article 1918. Sorry, jumping ahead of myself, getting no indication. I'm going to move on to Article 19 then, which is discharge of water.

01:27:06:16 - 01:27:36:28

This is a supplemental power within part four. Um, within Flintshire County Council's local impact report. That's rep 1-005. It sought revised revised wording. To Article 19 five, suggesting it should. Also include reference to the to seek ordinary watercourse consent. Whilst I acknowledge the response from the applicant to this comment in rep 2-040.

01:27:38:06 - 01:28:05:21

Flintshire County Council in their reply at rep 346046. They advised We would like to ensure that all documentation would be required for ordinary watercourse consent is provided as part of the requirement as it is, as it does not appear to be detailed in the draft development consent order or specified in the requirements specifically. Could the applicant comment to please?

01:28:08:12 - 01:28:47:16

McCarthy for the applicant. I have briefly discussed this with the Council, who I am sure will correct me if I present them. My understanding is that they were going to check the outline to ensure that the details that we would supply for the various water during constructions and the surface water drainage requirement to advise us if there was any information they would normally expect that would not currently be provided under those requirements. If there is any information that is not currently being provided, we would be very happy to look at adding that to the outline plan or if necessary, requirement, whichever is most appropriate.

01:28:57:13 - 01:29:00:05

And do Flintshire County Council to comment to please.

01:29:01:04 - 01:29:19:20

Susan Cordner Flintshire County Council. Yes. As Paula Mcgeady says, that that's the position we need to take it up with our drainage officer, but we were content to deal with it in the CMP and to look at whether we had any specific requirements to add in. That's a matter that's still that's ongoing. Okay.

01:29:19:22 - 01:29:42:17

So again, it's a matter that's going to come out at some point in the future where it'll be resolved or the continued, but you'll keep us informed as the examining authority as to your position. Yes, Thank you very much. There's again, no need for an action point from our part, but clearly if you can keep us informed. At subsequent deadlines, I'd be grateful. Um.

01:29:59:18 - 01:30:08:29

A note that Chester West and Cheshire West and Chester Council Deadline one submission which is Rep 1-061. Um.

01:30:13:16 - 01:30:26:27

I also note the response of the applicant in rep 2-044 paragraph 2.225. In regard to comments made by the levee Flood Risk Authority. Um.

01:30:29:10 - 01:30:32:11

They were seeking additional information. Um.

01:30:34:02 - 01:30:46:23

I'm not quite sure. Can the lead flood or lead local lead flood authority advise what additional information they were seeking? Um, and why it was necessary? Is it something that Cheshire, Cheshire West and Chester Council can advise on, please?

01:30:47:09 - 01:31:11:07

Michelle Spark On behalf of Cheshire West and Chester Council, I've just taken instructions and I think we need to go away and relook at all the information provided and as well as the outline and just clarify that point, sir. So burrows our position on that at the moment and we'll come back to you at deadline for if there's any issues or if that matters resolved. Thank you, sir.

01:31:26:09 - 01:31:27:26

So I'm just making a record of that.

01:31:29:15 - 01:32:01:17

Thank you very much. Um. In the applicants. Welcome to comment. But don't think there's any necessity unless you want to. Okay, I'm going to move on to the Canal and River Trust have advised they would object to surface water drainage being discharged into the canal. However, the applicant has pointed out that Article 19 three states that the applicant and undertaker must not discharge any water into a watercourse public sewer or drain except with the consent of the person to whom it belongs. Can ask the Canal River Trust whether or not that satisfied their concerns.

01:32:01:19 - 01:32:04:13

Please, if they're here because don't think they were here earlier on.

01:32:07:12 - 01:32:26:07

Okay. On that basis. Can the Canal and River Trust if they watch the the playback of the digital recording. Um, if that um, they could respond to that question at deadline before please. Um, and we'll mark that down as an action point.

01:32:44:22 - 01:32:56:06

In terms of maintenance of drainage works, which is Article 20. Does anybody else have anything they want to say in regard to Articles 20 or in regard to Article 19, which is discharging water?

01:33:00:09 - 01:33:02:24

No indication. So I'm going to move on to article.

01:33:04:26 - 01:33:12:06

21 then, um, which is authority to survey and investigate land. Um.

01:33:24:12 - 01:33:47:05

And that was a question. The question I had was another question for the Canal and River Trust. But I'm going to actually do because they're not present. I'm going to defer that and put it into a written question later stage. So we'll jump past that. Does anybody else have anything that they want to say with regard to Article 21 authority to survey investigate land?

01:33:50:18 - 01:33:51:24

Get no indication.

01:34:05:16 - 01:34:07:12

So I'm just making a note of what I'm doing.

01:34:10:17 - 01:34:20:24

Um. Article 22 is protective works to buildings. I have no specific questions regarding this particular article. Does anybody want to raise anything? Protection to buildings.

01:34:23:05 - 01:34:26:22

And no indication. I'm going to move on to Article 23.

01:34:31:09 - 01:35:04:10

But in actual fact, I've just noticed the time. It's 25, not quite 25 to ten. We're about halfway through these articles, so I think it would be wise to have a break because I don't know about you, but this, this subject is very dry. Um, and, and I'm starting to croak up a bit, so. So am going to decide to adjourn the meeting at this point unless anybody objects and we'll come back and do the second half of articles and provisions in a minute if that's okay.

01:35:04:26 - 01:35:12:29

So the time now is 1135 and we'll come back at 10 to 12, please. Thank you. This meeting is adjourned.