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Tue, Jul 16, 2024 2:29PM • 1:26:22

Good morning, everyone, and welcome. It is now 10 o'clock and I'm opening this issue specific hearing for the application made by Crystal production UK Limited for the Viking CCS pipeline project. We'll introduce ourselves in a fully in just a few minutes. But before we do that, please bear with me, when I do have a few housekeeping matters. Case admin confirmed that the meeting recordings and the live stream has started please. Thank you very much. Were there any requests for reasonable adjustments or arrangements to enable participation in this meeting? Okay, thank you. Okay, I'm informed that there are no fire alarm drills today. But if the fire alarm sounds, Please exit the building via the entrances on the left side of the examining authority, and congregate in the carpark at the front of the building. Toilets are located to the right of the examining authority as you're looking at them. So onto introductions, my name is David Wallace. And I've been appointed by the Secretary of State as the lead member of the examining authority to carry out an examination of the above application. I'll be taking action points from the agenda today, we've been put my fellow panel members as and when required. I'll hand over to the other members of the examining authority to introduce themselves.

Thank you, Mr. Wallace. My name is John ghost. I've also been appointed by the Secretary of State to be a member of the panel of inspectors to examine the application. Thank you.

Good morning, everyone. I'm Alex Jacques. And I've also been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application.

I can confirm that all panel members have made a declaration of interests responding to the planning inspectorates conflict of interest policy, and I can also confirm that none of us ever need declarable interests in relation to this appointment. Also present today are members of the case team. The case Behringer is Caroline Hopewell, and she's supported in the venue there by Jessica Weatherby. I together with other virtual attendees are supported by Joe Shanks online. If you have any questions or concerns about the event, please contact a member of the case team. The audiovisual surface is today provided by production and 78. So that's the team on our end. And we'll turn to attendees, both here and virtually for their introductions momentarily. I'd just like to thank everyone for their attendance and also those who are watching the live stream. So first of all, in terms of introductions can ask who's here on behalf of the applicant, please?

Good morning, sir. My name is Alexander booth King's Council and I appear on behalf of the applicant. We do of course have a significant team of personnel for the hearing, but I'm not going to going to

introduce all of them but I am just going to introduce three individuals who may be assisting firstly to my right, Mr. Patrick Monroe, of Burgess salmon solicitors who the examining authority will be familiar with. To his right is Mr. Paul Davis, the onshore development manager with the applicant and to his right is Mr. Nigel Pilkington of AECOM, who is the environmental topic lead. And I anticipate that those will be the only people participating today that we may need to draw on expertise from others depending on what questions ultimately the examining authority puts.

Thank you very much. Thank you, Mr. Booth for those introductions and welcome to the team there. Can I ask them who is here on behalf of East Lindsay District Council please.

Good morning sir.

Lindsay Stewart from East Lindsay District Council.

Thank you.

Good morning and welcome. That I asked then who is here on behalf of Lincolnshire county council please.

Good morning, sir. My name is Jim O'Shea calm of counsel. I'm instructed by legal services Lincolnshire to act on behalf of Lincolnshire county council. And to my left is Justine proudly who's the infrastructure manager at Lincolnshire County Council.

Thank you very much and welcome both. Who has been here on behalf of National Highways please?

Good morning, sir. My name is Paul Bellingham. I'm an in house lawyer at national Harris.

Thank you very much and welcome. Who is here on behalf of North Lincolnshire counsel please. Good morning Sir Andrew

law representing North Lincolnshire counsel. Good morning. Good morning, sir

Matthew Gilliam from North Lincolnshire counsel. Thank you very much. And who's here on behalf of Northeast Lincolnshire Council, please.

Good morning Beth Lauren on behalf of Northeast Lincolnshire Council.

Good morning is the development manager Cheryl Jarvis from Northeast Lynx Council.

Thank you very much. Good morning and welcome. That's the list of attendees I have registered who wish to speak today. But have I missed any one? Is there anyone else who was expecting to speak and have not yet introduced? Okay, nothing heard that. That's good. That means the process works. In which case I will hand over now to my colleague, Mr. Jack to take us through agenda items.

Thank you. So moving on to agenda item two, I will set out the procedure for running the hearing today. First few words to acknowledge the format of the event today. This is a blended event. It allows attendance both in person and virtually through Microsoft Teams. This is expected that both blended and fully virtual events will form part of the planning Inspectorate future operating model. We the examining authority are attending this meeting from Solyndra, as are several of the attendees for those attending virtually. Please be rest assured that you have our full attention at all times, even if we are at times not looking at the camera. To avoid visual and noise distractions. Please keep your cameras and microphones off unless we invite you to speak. Second, their proposed timings for the day. We will take a 20 minute break at approximately 11:30am with a lunch break at around 1pm Depending on the pace of the question and answer session. We may finish earlier but our aim is to finish at around 4:30pm. But we will keep this under review. These timings are approximate. If you're joining for a particular agenda item, we recommend you keep in touch with the case team who can tell you if the sessions are running a few minutes late or ahead of the indicated timings virtual attendees. If you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email. If you're watching the live stream, then please refresh your browser to resume each subsequent session. Excuse me. Third, I'd like to make you aware that this event is both being live streamed and recorded. The digital recordings that we make are retained and published. And they form a public record that can contain your personal information and to which the General Data Protection Regulation applies. The planning Inspectorate practice is to retain and publish recordings for a period of five years from Secretary of State's decision on a development consent order. Consequently, if you participate in today's issue specific hearing, it is important that you understand that you will be recorded and that you can therefore consents to the retention and publication of the digital recording. It is very unlikely that the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you not to do that. However, if for some reason you feel that it is unnecessary for you to refer to sensitive personal information, we would encourage you to speak to the case team. In the first instance, we're done explore whether the information could be provided in a written format which might be redacted before being published. The final point is about substantive matter today's issue specific hearing. And the agenda for this hearing was published on the planning Inspectorate national

infrastructure project web webpage. There may be time for other matters to be discussed today. But it will be down to the discretion of the examining authority and review of time at the appropriate stage. To be clear, it is not intended to discuss all matters relating to the development consent order. Some matters will be pursued through written rounds of written questions. There are any questions now, please raise your hand. Okay, that's all for me. So I hand over item three to Mr. Wallace.

Thank you very much. So item three A on the agenda is to deal with strategic matters. I've got a couple of questions under this. That just require some clarification for the examine authorities benefit, the first to relate to alternatives that are considered in the build up to submitting the dcl application. First of all, I'm turning to the federal fork gas terminal. Now two options were carried forward into the DCO upon submission, and one of those options has now fallen by the wayside following our acceptance of the applicants change request application. That's all fine and that as a well understood, however, predating that change request, the examining authority had asked a written question and which was question one, point 3.3. And we asked this because we wanted to understand the options that were considered and discounted in relation to the federal fork gas terminal, and the position of the above ground infrastructure, the consideration that was given to that during the pre application phase, which of course resulted in the now discounted option to being submitted as the next best alternative option. A deadline to the applicant provided a technical note on those options that were taken as alternatives. That was under reference rep two, hyphen 035. Now, whilst I note that the national policy statements provide guidance about the alternatives, and that an applicant is not bound to choose the best option, the way those alternatives in that technical note are presented gives me cause for concern. And the reason being on page four of 10. Under the set heading section methodology, it is stated that suitable sites were searched for based upon a number of criteria and that, ideally, sites that did not require changes to the order limits. And when we look further down that document, one of the cited disadvantages for the option three, which is on page seven of 10, of that document, it says this site lies 300 meters outside of the current order limits, and would require substantial change to do order limits to incorporate. Now, to my mind, in the pre application phase, when you're preparing the application, you assess your options first, then the best one would go it forward, or get carried forward into the order limits, not that you draw the limits first, and then exclude options. But that's the way the technical note is drafted and appears to say, Can the applicant explain that situation and how our alternatives were considered in this respect, please?

Thank you, sir. I'm going to provide some initial comments and observations in relation to the matter raised and I'm going to put the question to my right to check that there aren't any further matters that should be put to your attention. So in a sense, I can see that the language there is unfortunate, because what that does suggest, to some degree is that cart has been put before horse. In essence, though, the position can be summarized as follows As you're aware, we have the logs pipeline coming in to the Federal Tort facility. That is a fundamental design constraint so far as the project is concerned, because as the examining authority knows, we are seeking to align and adjoin the onshore pipeline with the logs pipeline. To the extent that this document, that is to say the documents technical note, which considers alternatives, references, locations being outside of the order limits, that is, in a very real sense, sort of a paraphrase. For the problem with going away from the Federal Tort facility,

because as soon as one steps away from the Federal Tort facility, one is going further away from the obvious connection point with logs. And albeit that all of these alternatives were given genuine and due consideration, all of them were found to be significantly deficient when compared with option one, and indeed, option two, but in particular, option one, which, of course, is the preferred means of approach and which has now been recognized and accepted as a change for the purposes of this DCO application. All of these alternatives involve stepping away very considerably from the Federal Tort facility. So whilst it's right to say that the question of the order limits should not have been cited as a disk benefit of any particular option, the substantive exercise and the substantive consideration in this context was essentially proximity to the logs pipeline. And that is really why that is really the genesis of this language in terms of order limits, and requiring changes order limits, so so I can understand entirely why the examining authority expresses some concern because, as I said at the outset, it's cart before horse, but that isn't in reality, how The applicants analysis was undertaken. If I can look to my right in that regard, I don't know if Mr. Davis has anything to add.

Paul Davis for the applicant? No, I support that response.

Okay, so that for lack of a better description, the wording used in that technical note is therefore incorrect, because it gives the wrong impression, your way of reassuring us that the correct process was indeed followed to site selection. Yes.

Yes, so that's absolutely right. The correct process was followed. It wasn't a situation where this has been. I don't know how well more we put it. as sort of a backdated analysis, the analysis was undertaken at the correct time before the order limits were in fact identified. The language that's been used is unfortunate, because I can see it does give rise to a misleading impression, which is that either that the analysis is post identification of order limits, which didn't happen. Well, I mean, that's the impression given that isn't the situation the situation is that analysis was given at the appropriate time, but that the applicant felt the distance the further distance from the Federal Tort facility, what itself a disk benefit? That is, in essence, the position.

Okay. Thank you very much. No, thank you for clarifying that. Let's just put that point to bed. So let's move on to my second string of questions on alternatives. I'll quote one document, but I'm going to use it to inform another discussion if you like. So in the technical note on the Lincolnshire Wolds, national landscape or outstanding natural beauty paragraph 2.1 point two states that's routing of the pipeline away from local communities and built up areas was the primary consideration. Above all the EFA criteria in paragraph 2.1. Point one. Now that list in paragraph 2.1, point one includes areas that are vulnerable to flooding. That is the precursor to my question, which is the residents of corner farm have raised concern regarding the route ie to being chosen by the applicants for the pipeline routing, as opposed to their preferred route, which is a one b. Now the residents have stated that the route E one B takes only has a marginal incursion into flood zones two and three, whereas ro e two, once it has crossed the B 1200. Goes for an area of extensive flood zone. Without putting words in their mouth,

they can make their own case, but what I get from that the implication that I get from that is that their public safety has been sacrificed here for what they consider to be a minor flood risk issue, which of course, suggests going against those key routing objectives that are mentioned from the limited worlds OMB technical note. So can the applicant just assist the examining authority in understanding why e two has been followed and whether there is in following it any deviation from the call route selection criteria, please?

Thank you. So in terms of that specific route selection point, I'm not going to be able to assist. I think perhaps I can pass that to Mr. Pilkington, who can advise in relation to that specific location.

Nigel Pilkington for the applicant? Yeah, in response in response to that, the the, it isn't about safety of individual properties because the route as proposed near corner farm is better than as low as reasonably practicable. So it's broadly acceptable and as such, there isn't a safety issue to be weighed in the balance. So what needs to be weighed in the balance there is other issues and the other one of the primary routing criteria of the original list of six criteria is is avoiding where possible areas in flood risk two and three.

Okay, fair. Thank you for that. Now, obviously, I've got your written submissions, rebutting the residents of corner farm I have those on file. They would obviously say that there is a public safety issue to address here. Can you just confirm to me why in this route this route E to looking at it or e to e one bay that this section, why there wasn't a public safety issue to weigh in the balance please

So just before Mr. Pilkington proceeds to answer that as looking back at paragraph 2.1 point one and 2.1 point two of the document, I mean, the observation that I would make is that this corner farm for the purposes of the various criteria set out, would not comprise a built up area and would not comprise a local community. There is a distinction to be drawn between individual properties and built up areas slash local communities per se. So that's just an observation that I make. I don't know if Mr. Pilkington can assist you further with the question. Yeah,

that's entirely right. And Nigel Pilkington, for the for the applicant, that's entirely right. It isn't about individual properties. It is about communities and built up areas. The only other factor is is individual highly sensitive building uses and we've given an example of schools. And that's really from an immunity perspective.

Okay, thank you for for that. I mean, yes, I can under I can understand where you're coming from in terms of built up areas and communities being avoided. Is there not under the pipeline safety regulations or the the HSE? document anything about individual properties? Or is there any guidance about how to treat them at all, please.

So I'm going to pass to Mr. Paul Davis, to address that issue.

So Paul Davis for the applicant, Mr. Pilkington use the term broadly acceptable for the routing of the pipeline in the area of corner farm. If I may, I'd just like to describe that term in a little bit more detail. Best practices have been used in the routing of the pipeline. And the pipeline has been designed in accordance with the alarm process that stands for as low as reasonably practicable. And that's described by the health and safety in the long standing framework document, reducing risks, and protecting people, sometimes referred to as r to p to that purpose of a lab is to ensure risks are reduced as far as reasonably practicable. And it's a key principle of the HSE system, whereby the general duty of the HSE is to ensure that these regulations are met. The HSE guidance from conveying carbon dioxide in connection with carbon capture and storage projects means that the operator of these projects has to comply with the pipeline safety regulations. And to ensure that we have done this, there are three steps that have to be taken. First of all, we have to follow the codes of codes and standards for pipeline installation, we then have to ensure that good practice is followed through the design. And then we have to take an engineering risk assessment for the project. I'd like to talk a little bit about each of those. First, the codes and standards, these have been followed. The key code is BSI PD at 10. And its date is 2016. We have followed those codes and a large part of the rule we have exceeded those codes. So, Item one has been followed. Section two is good practice, we have a highly experienced team working on this project, ensuring that good practice is followed throughout and that is checked through peer reviews and also co venture reviews. And then the final point I spoke to was the quantitative risk assessment or the engineering risk assessment. And this has said that the pipeline is broadly acceptable. And I wanted to just dwell on that term broadly acceptable for a few moments, because under the alarm system, that is the lowest category of risk that is signed to a project there is no no risk category. So that the lowest risk that you can have is broadly acceptable. And then you would step through tolerable if a lap and then finally you would come into uncomfortably high. So they are unusual terms. But but I'll be reiterate that broadly acceptable is the lowest factor of risk. And therefore, as we were in the broadly acceptable zone in the area of corner farm, there was no need to as Mr. Pilkington has indicated, Viru. And the other factors came into effect. One final point, the HSE considers that projects falling into this zone are generally regarded as having an insignificant or adequately controlled risk, and therefore, doesn't require any other action unless it's reasonably practical to do so. And as you're aware, says, we've committed to developing a comprehensive emergency response plan, and the applicant will work with relevant authorities to do that.

Thank you very much. Thank

you for that

comprehensive response.

Thank you.

Okay, I have one further question under this agenda item. So I'm going to stray away if you'd like from alternatives. Now, there's just one further question that requires some clarification. And you mentioned there the quantitative risk assessment in the written representation of Phillips 66, which is rep 1093. They raised the issue of a quantitative risk assessment regarding the coma regulations. deadline to the applicant responded to suggest that, and I quote, future works will include detailed review and assessment of any impact on the coma risk scenarios, mitigation measures, and emergency response measures. Unquote. This document appears fundamental to remove in Phillips 66 Objection. And it was mentioned as an outstanding point during compulsory acquisition hearing to can the applicant explain the situation and whether anything is actually going to be submitted to the examination in this regard, please.

Sir, the first point I would make in relation to the question you just put is that, as you rightly note, this discussion has arisen in the context of the Phillips 66. Objection. And what you've suggested is that, in fact, that document looks to be fundamental to the question of whether or not that objection will be withdrawn. I can confirm so that, to the extent the examining authority is not already aware of it, agreement has been reached with Phillips 66. That is to say, agreement has been reached, both in respect of a land agreement. And in respect of protective provisions, it's right to say that Philips objection still remains on file. And that is because there is a slightly protracted approvals process for Philips. And so in essence, effectively, one has to go back to Texas, and have sign off from the irrelevant board in America. But that is where we are at the parties are in agreement, certainly as regards boat well as regards both of those elements. And it is simply now a question of there being some slight delay, whilst the requisite approval. The signature is put on the dotted line, but we anticipate that that will happen before the end of the month. That is not only our understanding, it's also Philips understanding such that the Phillips 66 Objection will be withdrawn, I think by deadline for So insofar as that issue was raised by Phillips 66, it is not one that they are pursuing it is not one that they consider to be fundamental to their position. I don't know if that provides the examining authority with the requisite comfort.

That does familiar. John Dorsey has a question.

Think that Mr. Booth, just reminder, there are also objections from the two subsidiaries of Phillips 66. So I'm hoping that any withdrawal of objection will cover those two subsidiaries as well. The parties that Australia has spoken about a previous hearings.

So I'm going to actually have to defer to Mr. Monroe in that regard, who has more of his finger on the pulse in relation to withdrawal of the ejection

patch window for the applicant? The agreement has been entered into his with Phillips 66 as operator of the Humber oil refinery. If you're referring to the two subsidiaries that were termed previously, the IoT operators I think is how they describe themselves. collective last hearing those discussions are still ongoing. But the infrastructure they have an interest in is a pipeline that runs across the order limits to the Hummer oil refinery. It is anticipated that those objections will also be resolved. And that similar arrangement will be entered into, it's just not quite as far along as the Phillips 66 agreement is. And

so you'll recall that when we had the CH hearing, I think it was Mr. Arnot of town legal who was representing both Philips and also IoT. And what Mr. Monroe was just explained is entirely consistent with that insofar as he even at the CH was indicating his expectation that agreement would surely be reached agreement has now been reached. No issue was no substantive issue was taken on behalf of it. But he did make the point that discussions were slightly behind. I they hadn't quite reached the same stage because the focus had been on Philips. But we are we're in a position where we anticipate as Mr. Monroe says, that agreement will be reached in precisely the same way. It's just we haven't quite got as far down the line as we have with Philips as yet.

Yeah, I accept that. And I think I raised the point purely as you've just identified, Mr. Ahn, it was acting for all three bodies. I just didn't want the subsidiaries to get lost. I accept that there are different parts of the project geographically. But it goes back to the CIA tracker that we didn't include them on there. And so I was just very keen that we didn't lose them. But you've covered the points. So thank you very much.

Yes, so that now completes my questions under this item three, a. In terms of what we've just discussed, is there anyone else either virtually, or in the room that wishes to say anything about the topics? Okay, nothing heard. In which case, I'll hand over to my colleague, Mr. Alex, Jack, for the next item on the agenda, I will just momentarily turn my camera off so as not to be a visual distraction. But please be aware that I'm here and I'm listening to the conversation, Mr. Jack.

Okay, so moving on to Agenda Item three B articles and requirements. Our first question is related to national highways. So in paragraph 3.5, of their written representation, Rep. 1077. There is a concern about phrases used in schedule one, part one, Article Two, bracket eight of the draft DCO. unless I'm mistaken, that is the phrase that says the expression includes is be is to be construed without limitation. I noticed such wording remains in the deadline three version of the draft DCO. The concern as I read it, is that works could take place to the strategic road network under this definition, have national highways concerns been alleviated during discussions with the applicant? Or if not, why not?

Secondly, just clarify in the first instance, I'm afraid I was just finding the reference. And so I didn't hear the totality of what you just said. But was that a question in the first instance for the applicant? Or was it the first national highways? Highways? I thought so.

Thanks. So Paul Bellingham national highways. On the concern still stands, but on the whole, try and get feedback about the situation, we've made some good progress with the protective provisions. And as a result of that, national highways concerns have been at least because of the way the protective provisions have been written. So on that basis, their concern has gone away.

Okay, good. Thank you. Paragraph 4.5 of your written representation goes on to raise concerns about the DIS application of letters, legislative provisions relating to the road network. Have those concerns also been alleviated?

Again, on the whole due to progress that have been made with the protective provisions, the majority not all but the majority of national virus concerns have now been alleviated. Yes.

Okay. Good. Thank you

that Thank you, Mr. Bellingham. Just a reminder, and it's the similar point I made a moment ago is you've got an objection out to to the project to the moment to the application. So yes, it's positive to hear that. That your your mate In progress with with the concerns you initially had. But obviously, clock's ticking, we've only got just over two months for the examination remaining. So the question to you is, do you think you'll be able to withdraw the objection before that over the next few weeks? And if so, any idea of when, when that might come?

I certainly hope so. So, obviously, I can't confirm to definite, we have been I have been in discussions with the IRS has been in discussions with with the applicant for the last few months. Latest position in this regard was a national highway sent back to the applicant last month. With some further comments, there's probably half a dozen, I would say half a dozen or so points outstanding with regards to those protective provisions. So we are much closer now than we obviously were at the outset. So I'm hopeful that we can we can reach agreement, but I've not heard back from the applicant since since our last correspondence last month. So I'm not sure whether we've moved any closer since since then.

Okay, well, if we could ask that. You do check out that position. And perhaps deadline deadline falls only a couple of weeks away. I'm not sure if you can give us a progress update by then. But the sooner you can give us an update, it will be appreciated. No,

absolutely. So yeah. Wherever we've got to we'll make sure there's progress taken and put deadline for that's no problem. Thank you.

Okay, thank you. So this one, the applicant article eight and nine are considered to be considered by IPs to be tab excessive powers. What benefit of the post development is there by having these obstacles kept as written as they are? And why would the proposed development be impeded without them? Are there any factors that you want the Secretary of State to be made aware of in determining the application of these articles?

So as far as article eight, and nine are concerned, obviously, it's streetworks. And there is there are ongoing discussions between ourselves and in particular, in particular Lincolnshire county council in relation to these matters. You'll be aware that this isn't the first DCO examination where this issue has arisen where there is a particular concern on the part of highways authority, and in particular, an existing permitting process, which that authority wishes to see govern delivery of the nationally significant infrastructure. So the number of where we are in relation to articles eight and nine is that we wish to see the project delivered expeditiously. And we do not wish to see it, its delivery effectively dragged into an unnecessary delay through external permitting procedures, particularly in circumstances where the GTO process is, of course, as everyone is aware, essentially intended to be a one stop process. That said, the applicant will and is obviously will be is obviously looking to work with Lincolnshire county council. There were further discussions as recently as last week and ended on Friday. It wasn't really until Friday, that we quite understood what position it was that the county council was adopting in relation to this particular point. And so I there's no criticism of Lincolnshire county council, it's just I think it'd been a slight misunderstanding on the part of the parties. I believe Milan friend, Mr. Monroe has indicated already to the county council that he's seeking instructions on a particular point. And indeed, I'm I've been going back to some other pipeline projects that I've been involved with where these issues have arisen with a view to informing a discussion as to how we can best take things forward. I don't know if Mr. Monroe has anything further to add in that regard. And that's essentially the position to Okay,

thank you, Lincolnshire.

You want to comment on that, please? Thanks so much, Lincolnshire county council. Nothing further. So at this stage, our position remains the same as set out in both written representations and the post lshs. One summary. However, discussions are continuing. And I think the parties are now at least clear on what our respective positions are and understand and Milan friend is taking instructions on the point so hopefully, we'll have an update, but discussions have been very recent ie in the last few days. So we'd hoped to have an update relatively soon. Once the applicant has instructions. Do

you think that that could be by deadline for and that's only a couple of weeks away?

So we certainly expect by the landfall Okay, good.

Thank you.

Can I just confirm that those those discussions are also talking about the application of the new roads and street Works Act for works? So that will be included in the updating deadline for

ship links? You got to cancel? Yes, that's correct, sir. Yeah. Okay.

Thank you. That's the end of my questions on this item. So handing over to Mr. Wallace.

Thank you very much for that. Just a question quickly for Lincolnshire county council. In respect of the highways stuff, you've you've got a request, if you like in your written representation, that says there is still a need to ensure the DCO provides a mechanism for the highway authority to review and provide the necessary specification for works in the highway that would normally be captured by section 278 agreement and comply with our permitting scheme to avoid conflict with other works on the network. Dealing with them in reverse order, if you like can you explain what your permitting scheme is? And how and why it should be applicable to the proposed development please?

A Good morning, sir. Just seem proud of that infrastructure manager at Lincolnshire county council. Unfortunately, today our highways officer wasn't able to attend the hearing. While it's not my specialist area, Lincolnshire county council does have its own purchasing regime, which is administered through the highway authority at the council. I would be happy to outline in the next, the next deadline, what that process involves in more detail for you.

Yes, indeed, if you could really how it would apply to the proposed development? If it should, just so that then I can understand the context in which it's been asked. Before I come to the second point, I'll just see if the applicants got anything to say about the permitting scheme and what they know of it.

For the applicant, yes, the applicant has a copy of the permitting scheme, and the process for how that works. That's the point that is currently under consideration, and how that may apply to this project.

Thank you very much. I'll just come back to you. Miss proud there was anything else you wanted to say on the permitting scheme?

Thank you, sir. Just being proud for Lincolnshire County Council. The process within our permitting scheme is something that we are currently discussing, and how it will work with the DCO as drafted and following our conversations with the applicant last week.

Okay, thank you very much. And then in terms of the mechanism, what mechanism would you like to see here in terms of section 278 agreements? And are they necessary for this proposed development?

Shaped links council? So I think that probably depends on discussions in relation to the permitting scheme and whether or not we have a signed agreement. So I think that's one that we request to be left with us for the time being and we'll perhaps respond in writing when we have further update following discussions.

Okay, no, that's fair enough. All that I'd recommend then is whilst everyone is in the building today, if discussions can well appreciate the highway Jack from Lincolnshire county council is not there. But if discussions could be undertaken, whilst you are there, that would be really, really useful to move things on. So, but thank you for that. Yes, that that completes my those questions under that the highways part. So I'm just going to now move forward with other issues regarding article seven requirements. And a question for the applicant. There remains some concern about the definition of maintain insofar as relates to the phrase, quote, reconstruction or replacement of the entirety of the new pipeline, and quote, with such wording, bearing in mind, the pipeline is some 55 kilometers long. The definition of maintain could potentially logically allow for distances of up to 30 or 40 kilometers to be completely diverted. without breaching the terms of that definition, that doesn't seem a reasonable interpretation, if you like, but nonetheless, it does seem it on face value. Could you just explain what is intended by that phraseology, and whether more restrictive wording could give reassurance to examine authority on IPs, that that couldn't occur. But nonetheless, your objectives could still be fulfilled.

Parchment rule for the applicant, sir, the deadline three, an amendment was made to the definition of maintain to add in the words after after it says, improved, replaced, dismantle, demolish abandon or decommission any part of the authorized development, the words provided these do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement. And then the definition goes on to state but must not include the renewal delay and reconstruction or replacement for the of the entirety of the new pipeline. And so that amendment, and by doing that the applicant was seeking to constrain the definition of maintain to only a scope that has been assessed within the environmental statement. That clearly would not include a whole scale read diversion, it's far more likely to be a localized diversion, and have a very small section.

Okay, thank you. Thank you very much for that. Oh, for the question open to the to the council's does that give you reassurance in terms of maintain and the idea of the this concept of the entirety of the pipeline being constrained to what's within the environmental statement? tolerances, then the council wish to speak on that.

But you can't see if any hands are raised in that camera angle where Mr. Jack, if there's anyone with their hands raised? Could you answer that please?

Nobody wishes to speak.

Okay. Fair enough. I'm aware my colleague, Mr. Goss may have a question.

Thank you. Thank you, Mr. Wallace. Just going back to to maintain. I noticed that when when the net zero T side application was being discussed, there was a question about the word improve. And the reason why there was a question was that the memo, marine management indicated that they would not accept it. So I just wonder if we did touch on this. It's our first round of questions. But I just want to press you again on that in that bearing in mind. Yeah, Momo. Or not are uncomfortable with the the definition being so wide, and specifically in relation to the word improve? Is that something you you'd like to respond to? Thank you,

Patrick, General for the applicant? Sir, I don't think I can take it much further than our response at first written questions, which was if there was a fault in the pipeline, that could be prevented from a red car from a recurrence through an upgrade of a small section, then that would be considered an improvement. And that is why the drafting is included to allow that possibility. And as above, or as we've discussed, in the last question, the definition doesn't allow wholesale renewal of the pipeline.

Yes, but just depress you a bit further, you aren't going to if there is opposition coming down the line firmer, though, in relation to this, they very firmly are uncomfortable with the word improve. And therefore, how are you how are you intending to to deal with them with their stance

patrimonial for the applicant. And if if there's an application to the MMO for marine license for the offshore element, then that that will be discussed with them at the time. The MMO have not raised any concerns in respect of this proposed development, in part because it's so worth the scope of their consenting powers. And I think they've written into that effect. As I said, in respect of the offshore elements, it's a discussion that the applicant will have with the MMO if needed at the time.

Noted and it's a discussion we've had before but you you've referred to the marine license is possibly being required? I think our view is that it certainly is required. So I think it's not if there's going to be an application fee. Mmm, I think there certainly will be. And at that stage, yes, it will, will come forward. Yeah, memo will put forward deposition.

That may be right, you'll recall that following the previous hearing, or following one of the previous hearings, we've undertaken to provide you with clarity as to what our position is in terms of the consenting of the offshore element. And I think that's due to come forward at deadline for, of course, this examination is concerned primarily with this application for this DCO for this ENSET. And if And insofar as the MMO do maintain the stance that they took at netzero Teeside, in relation to the word improve in the context of that definition, that will be an issue that we need to grapple with in the context of the offshore consenting and in discussions with the MMO. But I would say and to echo what Mr. Munro has said is that the MMO is not engaged in this, in the context of this DCO examination, they don't make representations in relation to the suitability of this definition or otherwise, if And insofar as they were to do that we would maintain very strongly the position that Mr. Monroe has just outlined, which is that, in a sense, it is a nonsense to suggest that in circumstances where it is felt that the replacement or renewal of a small localized section of pipeline, in circumstances where that those works would be manifestly in the public interest that those works not be capable of being undertaken. We do say that that would be entirely appropriate for them to be undertaken. And to the extent the MMO say otherwise, if we need to come to terms and we need to grapple with them on that point, we'll do so at the appropriate moment. But so we don't, we can't do that they're not here, they're not maintaining that position. So in a very real sense, this is theoretical. At present, it's really a question of whether or not you're the examining authority, and behind you, the Secretary of State accepts our position in relation to the suitability of the definition, as it currently stands.

Thank you, Mr. Booth. And just to reassure you, I think I think we do as Mr. Monroe said, You did provide an answer at YECs q1, which which we saw and read. So I think we'll we'll we'll let the mess at mass arrests. Now I just wanted to raise it, because I think there is a discussion, you're gonna have further down the line down down the line. I mean, obviously, the MMO not being involved in this today, because there hasn't been an application. So we weren't expecting a representation. But But I, you know, I think we leave matters there. I don't think it's something we need to look in further during this examination, but I thought it appropriate to raise it at this stage as you are gonna have the discussion later. So that's

duly noted, and we appreciate that we recognize that. Thank you.

Thank you very much. We'll learn we'll move on then to another potential issue, if you like with the articles and requirements. In natural England's deadline, one response, which is rep 1079. They raised

a concern regarding article 19. In specific that any it allows access and works to be undertaken on land that is potentially affected by the DD Co. and the prospect of works basically being undertaken, where a site of special scientific interest is implicated. Their concerns were there it allowed investigative works disturbing works to be undertaken on land within a triple Si. Now, what does the applicant intend to do? If works outside the order limits directly affect or indirectly affect a triple si word appropriate permissions and consents be sought in the normal matter in the normal manner, as is required? Or what would the process be there, please?

So I've heard most of that question. I have to say, I'm not sure that was one of the documents that was flagged to us in advance of this session. And the reason I say that is because I haven't got it in my file. You very helpfully provided some notification in terms of documents that were going to be raised wasn't one of them. So I don't have this at my fingertips. So I don't know whether or not Mr. Pilkington is in a position to provide any indication. Now, to the extent he isn't. So I think perhaps we would invite you to put that question in the context of your next round of written questions, and then we can provide you with a considered response in writing. Would that be appropriate?

Yes. Of course, Mr. Pilkington,

Nigel Pilkington for the applicant, what I would say is we've had a lot of discussions up to an including yesterday with Natural England regarding potential issues around the habitat regulation assessment, which isn't a triple si issue. I mean, the only triple aside that we're we're close to his salt fleet be subtle salt June's. There's no work planned in those dunes. In those discussions with Natural England, they have not raised this again. And so it's a roundabout way of saying I can't provide an update, I just thought I'd provide a little bit more information about where we're up to and what the triple SI is that they'll be referring to.

To the extent you had to the extent you wanted to pursue that, and I quite understand that the XA might wish to do that. We'd be very happy to respond in more detail in writing in relation to any question that

was put. Okay, that that's fine. I can pursue that at written questions. Just a quick clarification from yourself. Mr. Pilkington, they mentioned the assault fleet be June's Chipless. I, as I recall from their response, Natural England were concerned as well about the Humber estuary, all the designations there, not just from a habitats point of view, but also said that there could be harm to the triple si there. We will of course, go into more detail about this tomorrow issue specific hearing free, but it was just to confirm that I was talking about the right triple Si, if you like

Nigel Pilkington for the applicant. The concern in relation to the Humber SGA. as I as I understand it is more to do with issues around the European level of designation, the SBA and functionally linked land,

but I will double check to make to see if there is any other aspect related to the ombre Street Triple Si. And we'll include reference to that in in, in our updated in a note. Okay,

thank you very much for that. Moving on to the next article, then, where there's a query we've got article 24, which relates to the compulsory acquisition of rights and imposition of restrictive covenants. the purposes for which covenants may be imposed, are set out in column two of shedule. Seven, please could someone briefly explain the thinking behind the plot selection and the covenants to be imposed please?

Patch mono for the applicant. The plots that have been selected with the Urban narrated and sheduled. Seven are plots on the land plans where only new rates are sought. So it doesn't apply to areas of the pipeline corridor where freehold acquisition of the subsurface is, as requested. Their applicant would be also looking to impose restrictive covenants along those sections of land, which are colored the ones colored yellow on the land plans. Those are set out in more detail in the statement of reasons for the reason that the plots and shedule seven are selected is that those are the ones where is simply new rates that would be imposed.

Yeah, I think I think we'd appreciate that it wasn't going to be applied to the plots where there was going to be fret, you can be taking the freehold. But I think our query was, what was the thinking about selecting those plots? Why Why were those particular plots selected? Because if you look at the pipeline, obviously, you're taking the freehold in particular sections, such as the block valve stations. And it's a question of why you're looking for covenants imposed in relation to these additional sections

as one of the applicant, so the covenants that are sought within shedule, seven they do relate to areas where the restrictions that are in place, are intended to prevent, broadly any interference or harm that could be caused to the pipeline project.

That is,

that is broadly how those restrictions are drafted. I'm not sure if that helps, so it doesn't matter. is

not really my reading, my reading of it is that the plot those plots are mainly the haul roads. And therefore they are areas of land that you want to retain some kind of control of for the future. So I think that might be the answer, just to sort of do a little bit of a nudge

pattern over the applicants. So there's the ports that are listed in shedule. Seven, a number of them are for accesses and for roads. And so within that there's there's restrictive covenants preventing, for example, protection of buildings or things that could block access. There's also prevention of any blasting activities. There are some plots than shedule seven that seek broader restrictive covenants, in particular, the plots 3612 They'd say, I'm going

to come on to those in a moment. So but I think you've given me the answer I was I was looking for really was in relation and I can understand that. And just a request that those plots, plot numbers will continue to be updated. The next the next tracker you put in

Pac Man into the African Yes, that's not it. Thank you.

Excellent, thank you for that. Now, moving on to the plots that you were you were just traveling towards the plots 3612 to 3616. These are, of course, all Crown land. And they're the area between them. Moving towards the the water level from the Federal Thorpe facility. Obviously, we discussed this at the last hearing. But you haven't as yet got the section 135 consent. And it's really, how do you propose or how do you suggest the XA that the we deal with this request for restrictive covenants, if you haven't got the consent, by the close the examination, perhaps you could updated as to as to where you are without

permission of the applicant? Yes, this has been discussed with Kronus. State, following on from the compulsory acquisition hearing that we had. The applicant is currently considering and has proposed an amendment to the development consent order that would restrict the ability to exercise these powers over Crown land without their prior authorization, which we believe has been accepted on other development consent orders as the basis for providing section one D five consent. The as I said the Cronus? Do we have engaged with them following the last hearing. And we will provide an update as soon as possible, then once that consent has been obtained.

Right, thank you for that. I'm not sure I'm convinced that that sort of gets over your your hurdle of section 135 consent. So if it has been accepted elsewhere, perhaps you could point us in the direction of where it's been accepted. I would have thought that without agreement from the crown, that's going to be a bit tricky for you to to for us as the XA to recommend those restrictive covenants in our report. So it's something which I think we are going to need a little bit of assistance of. So

I think that my last answer is perhaps slightly unclear. The the article that we have suggested to the Crown Estate, has in previous examinations been accepted by them as sufficient to then provide consent off the back of it. I wasn't suggesting that that would replace the need for it for the examining authorities recommendation.

Yeah, thanks. Thanks for the explanation. And yes, Sorry, I misunderstood you that. That sounds entirely right. So thanks for that. That's deals with article 24. Vacuum swabs.

Thank you. Thank you very much. Two questions now about new or potentially new requirements and articles. I'll come to Lincolnshire county council in the first instance the the applicant has added article 43 to the DCO to tackle the issue of extent planning permissions, specifically in relation to concerns that the offer He raised regarding the mineral was permissions for the foot gas terminal site. Having had a chance to review that article 43 Do you have any concerns about the drafting of the article or the way that it work? Or are there any residual concerns about extant planning permissions and the way they are treated? Please? Shape

For Lincolnshire county council? Thanks. So we have how to answer review broadly happy with it, but do have some extent on remaining comments. The first is in relation to the drafting of paragraph three of article 43, which refers to land adjacent to the order limits. And any conditions attached to planning permissions ceasing to have effect is inconsistent with the unauthorized development. Our concern in relation to the current drafting is that if there is, for example, restoration condition, which, which in part deals with land within the order limits, and also deals with land adjacent to the order limits that compliance with a restoration condition, which can wholly and fully be complied with, because part of the site was in the order limits, for instance, would cease to have effect overall, and therefore there would no be no need to comply with that restoration condition. So it might be a drafting point, it might be a substantive point, not entirely clear at this stage. But it's just ensuring that to the extent there are there is the ability to still comply with conditions in accordance with planning permissions, which are adjacent to the order limits, that is still secured insofar as possible, and that non compliance is basically permitted through the drafting of the order.

Thank you. Thank you very much. I'll come across to the applicants team. It sounds the main contention there is the word adjacent. Do you have any views on how that stands or what your intentions were or how that could be? redrafted?

So we'll give that some further thought. Obviously, we're keen to hear from Lincolnshire county council, and perhaps we can discuss outside of the examination, perhaps later today. Their particular nature of their concern with the drafting certainly, the intention on the applicants part is to allow for the minimum departure from existing permissions and condition requirements, the requirements of conditions attached to the permissions, what we're seeking to do is effectively interrupt in this context, the remediation as little as possible. So I'm not sure that the concern raised by Lincolnshire county council is in fact one that that does bite but of course, we want to ensure that they're happy, and that the XA is happy as well, too. So we'll give that some thought and look to engage with them outside of the inquiry,

but I don't see any in principle objection, and there's nothing between us. We're all seeking to achieve the same end.

Thank you. Thank you very much for that. Mr. Ghosh, do you have a follow up question?

Thank you. Yes. If I could ask Lincolnshire, there is a condition about return of the federal facility to agricultural land, which is time limited. And you know, the crops clock's ticking in relation to that condition at the moment. So I just wondered, has there been any thought discussion? comment about that because they've got to do it within not too many months and what was the present position over that requirement?

Just stay proud of Lincolnshire county council. Lincolnshire county council has been aware for some time of proposals coming forward at the federal thought sites since the cessation of the use of the terminal for gas. With knowledge of the developments that will be in proposed and coming forward Lincolnshire have taken a very pragmatic approach to the outstanding restoration requirements on the mineral planning permissions. To the extent that Lincolnshire have really been sort of waiting to sort of see what the outcome of these proposals coming forward are before taking any further steps with the with the current site owners as it would be in the case of mineral planning permissions to pursue compliance with those conditions at this stage.

Thanks for that. Can you can you just remind me of exactly because it wasn't in a planning permission that was it was in a think application for demolition?

Yes, that's correct. It was in the application for for the demolition and removal of the structure. was on the site following the cessation of the gas works. But sitting alongside that there are still extant mineral planning permissions that have restoration conditions attached to them and they they are still extant mineral Planning Commission's they haven't gone away those restoration Commission's remain effective. And they were all set out in the council's local impact report was the permission references what the permissions were for the conditions were listed. And we also provided the plans showing that the boundary areas for those permissions so that it so the extent of the overlap with those permissions can be clearly seen.

Thanks for I don't know if Mr. Booth, you want to say anything? I mean, you are dealing with a deadline for so

I started anything has anything really we would look to add at this stage.

Thank you, Mr. Wallace.

Thank you very much for that. That's good to know that that's ongoing. Now, there's one other potentially new, perhaps not an article requirement as such the following the written submissions at deadline one and deadline to the applicant has provided text for a without prejudice basis for securing biodiversity net gain. I've obviously got all the written arguments for and against that, know whether it's mandatory or not, and all the bits around that. But there is that draft text there. I hadn't seen any particular comments back from any of the Councils on that drafting. And I note from deadline three that Lincolnshire county council still, amongst the other IPS still wish for biodiversity gain to be secured. Coming to Lincolnshire county council first, but then other authorities if they wish to can do you have a view? One, whether the requirement is actually needed? And be if so, do you have any comments on the wording of that?

Shape For Lincolnshire county council. So we have to come back on the drafting of the condition as proposed itself. But in relation to the principle of the condition at the requirements are, we still support that in the sense that so long as biodiversity net gain is going to be secured and considered by us the XA is part of the planning balance and a benefit. It should be secured and provided for by the DCA itself and the requirement and that's the basis on which it was sought. So the principle we still support in relation to the drafting itself, we'll have to take a view and just consider that and perhaps respond in writing in due course.

Do any before I go back to the applicant on this to any of the of the council's wish to speak to the term of the note the need for requirements or the wording of that requirement?

Nothing hurts. Thank you very much. I'll go back across to the to the applicants. Team then in terms of the what you've just heard about from Lincolnshire about the need for this requirement please.

Back from the applicant, the applicants position remains the same on is that a requirement isn't needed. The applicant is proposing biodiversity net gain on a voluntary basis and has put forward its proposals in their lean plans on that on a voluntary basis only.

So in effect because of the the camp and then the do limp. So they outline landscape and ecology management plan. The management plans themselves contain the necessary detail, if you like as to how it's going to be so in effect, it's almost secure within those plans rather than requiring a separate measure to secure it. Is that Is that a fair assumption?

Pattern fabricating. Yes, the outcome is there. That's a fair summary.

Okay, thank you very much. Well, I'll come across to Lincolnshire once again then and just say no does that give you reassurance that even though it might not appear on the face of the DCO is a separate requirements, the necessary steps to achieve is that voluntary, voluntary biodiversity net gain is actually within the management plans.

Shape For Lincolnshire county council? Yes, sir, to the extent that those outline management plans is currently drafted sufficiently and precisely secure a minimum, then yes, that would be a mechanism by which the biodiversity net gain is secured, will perhaps need to just revisit those outline management plans to take a view on the extent to which we're happy that they do, in fact, secure a minimum body biodiversity net gain, and perhaps respond at that stage. But yes, insofar as they are secured, they would they would provide for a minimum biodiversity net gain, in which case, the requirement, we still say is, is helpful, and important in the sense of precisely and more robustly securing that. But it's still nevertheless could be through those management plans.

Okay, thank you.

So just very briefly, to come back on that point. I mean, obviously, the examination has before it, the draft plans. But of course, they are only in draft, and ultimately, both the camp and lamp multicolor the lamp are going to be submitted to the authorities for approval. So it's, I mean, I don't believe we can get too tied to the detail of what's there in the draft of precedent. But ultimately, the authorities will have currency in those documents, because they are the ones that will be approving them ultimately. So we say that there isn't the need for the requirement. But so you have our position on that are running

costs costs? No, thank you. Thank you for that. And I appreciate that the management plans are working drafts in your in essence, but they they do help inform, you know, the recommendation we're going to make, and they do help inform the discussions on various mitigations and various improvements that are going to take place. So as far as is practicable, if you like if those plans can state what they need to at this stage, just to let us know, in the direction of travel, and then yes, appreciate that in a post consent. If development consent is granted in a post consent, well, that day will be worked up further appreciate that.

Shape For Lincolnshire county council, if I could just add, of course, the account and the length both in accordance with the requirements as drafted have to be substantially in accordance with the draft plan. So we can still take a view at this stage and we will take a view on the extent to which there is secured increase in biodiversity net gain in accordance with the outline plan strat plan to the stage.

Excellent. Thank you very much. That's a good point. Okay. I've one further question and producer limited to current accounts. You're in the hot seat at the moment, if you like. There's a point of dispute that was raised in from the previous issue specific hearing, and that was in relation to articles 38 and 39. I believe in your deadline, one response rep. 1060 that you said that article was 38 and 39 had a potential non compliance with the planning Inspectorate advice note 15. Can you just confirm a whether your counts counselors concerns still remain? And be if so what are the implications that we need to make the Secretary of State aware of

shape for Lincolnshire county council? Yes, so in summary, our concerns still remain in the as currently drafted. Those articles are broad brush approaches which allow general unrestricted powers to remove protected trees and hedgerows, we would seek that that be amended to the draft and be amended to reflect advice note 15, which specifies that if there is going to be a general power, it's in accordance with a specified schedule or list of hedgerows or protected trees to be removed. In contrary to and instead of a general power which requires any protected trees to be removed. So that's what we would see. Or for there to be some limitation upon it. But as currently drafted, we do say it's not consistent with advice. No. 15.

Okay, just a further point on that. Obviously, there's been a number of nationally significant infrastructure projects within the Lincolnshire area of light. Are you aware of other DC O's were that separate sheduled that's a separate list of trees and hedges to be removed has has actually been implement implemented, as such, you know, actually incorporated within the DCO

shall we say links account account? So? Yes, I'm just looking at the gate. Burton recently made DCA for him. Since article 13, not at 37 sets out there that the undertaking may fell off any tree described in one of the schedule. So schedule 17, which deals with the list of trees that will be or can be removed under that power. So there is precedent in recently made DCIS for this approach and deed that is in conformance with and in accordance with art advice net 15. So, we would say that's the appropriate approach in this circumstance.

Thank you very much. I'll come across to the applicants team, then how would you respond to that please,

catch one of the applicant. The applicants position is the same as before that this is already secured through the camp, the lamb, and also the arboricultural report, which is a pp 086. Just on the point on the advice note 15. The advice note says that the article should include a shedule and plan to specifically identify hedgerows to be removed to allow the question of the removal to be examined in detail. The applicants position is that the arboricultural report already serves that function by specifying on a worst case basis, the hedgerows and trees that could possibly need to be removed as part of the

proposed development. What the What the camp provides for what the applicants position is the trees and hedgerows protection strategy will be developed in the final camp based on the detailed design. And that would set out at that stage in more detail, the specific hedgerows and trees that are likely to be impacted and to what extent and that is that is secured through the commitment or five in the camp also within the text in the lamp. And as I mentioned in the arboricultural report. So the applicants position is this, the approach taken serves the purpose of what advice no 15 is trying to achieve, which is to set out in detail the hedgerows and trees that are potentially to be impacted so that it can be examined, and that the appropriate mechanism for the final list to be set out would be post concerned to the discharge of those management plans. Just one final point to add on that is that this approach was accepted in the net zero T side order 2024 as article 18. Okay,

thank you very much for that. So there's that what you're saying is there's precedent either way, in that respect, just in terms of logic, practical thinking this through, what you're saying is the the arboricultural report specifies or sets out which trees and hedgerows may or are likely to be removed. But to translate that list into the DCO may not serve that greater purpose, because when you do the final detailed design, that list may be revised to be less or more than what is anticipated in the Borah culture report. And therefore, you'd almost need to Well, you wouldn't need to seek an amendment to the DCO as such, you just wouldn't do the works. But is that there's a minor right tangent there going down that route of thinking? Yes,

I believe you are. But it is conceivable that you would be looking to make a non material amendment application. In circumstances where the detailed design of routing meant that something was being something had to bits of work had to be undertaken, which weren't, in fact anticipated. So so that that would obviously be undesirable, and simply there's just no need for it and in circumstances where there is this mechanism through the lamp in the borough cultural report, I mean, that seems to be the obvious way to address this issue.

Okay, I'll get Lincolnshire County Council's response to that in a moment.

State links or county council? Yes, sir. I think we probably need to go and take this one away. Because I think it sounds like we're not too far apart in what the intention is. But quite how that's realized in the drafting if the DCO is probably one that needs to be discussed, because our view is that as currently drafted, even if there is going to be some sort of limitation imposed through the arboricultural report and the length for instance, that that still doesn't limit the power currently as drafted under Article 40 For instance, which relates to blanket power for removing TPA protected trees. So it may be one that we can we can take away and just think about how we might change the drafting to reflect that without it having implications if the agricultural report changes in due course. So it perhaps if we if we can consider that and respond in due course.

Okay, fair enough. Thank you very much for that. Was there any other response on the applicant? To what you just heard? Are you happy to leave it there?

For the applicant? No, nothing for that.

Okay, fair enough. What we will do then it's coming up to 25 past 11. And I think now is a good position just to take a break. So what I propose is that we will take a break now and if we resume at 11:45am, just a comfort factor, in which case, thank you, we will adjourn this hearing, and we will resume at 1145. Thanks.

So before we adjourn, I just briefly clarify is that with a view to continuing with Agenda Item three B, or are we now moving on to agenda item three? See,

there are a couple more questions from us on that. Item three B, and then it will be if like it, not an open floor, but in effect just to confirm, amongst other IPS both here and online. Whether they have anything further burning they wish to add so three B will continue after the break.

Thank you, sir.

Thank you