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Thu, Sep 12, 2024 1:32PM • 1:18:53

00:06

Good morning. Everyone. Before I begin, can I just confirm that everyone can hear me clearly?

00:12

Thanks. And can I also confirm with the case team that the live stream of this event has commenced?

00:17

Yep, thank you. The time is now 10am and this is the first issue specific hearing in relation to the M 60 M, 60 2m, 66 sinister Island Interchange project is now open. This issue specific hearing is about the draft development consent order. My name is Sarah Holmes. I'm a planning inspector and a charter civil engineer, and I've been appointed by the Secretary of State to be the lead member of the panel examining this application, and ask my colleague to introduce himself

00:45

Good morning. My name is Andrew Robinson. I'm a planning inspector and a chartered town planner, and I will be leading the discussion at today's event.

00:55

Together, we constitute the examining authority, or exa, for this application. For those who are present in the room, you may have already spoken to or heard from BART bakoviak. He was the case manager for this project. Mr. Bakoviak is supported today by Joe Shanks, our case officer. And for those of you who have joined us virtually, then you will have spoken to our other case officer, Melissa Whitlock. Together, they are the case team for this project, and if you have any questions or queries, they should be our first point of contact. Their contact details can be found at the top of any letter you've received from us on the project page of the national infrastructure website. Before we consider the items on the agenda this morning, we need to deal with a few housekeeping matters, and I'll try and get through these as quickly as possible. Can everyone attending? Please make sure that your phone is switched off or turned to silent. No fire test is planned for today. Shouldn't alarm sound. It is an emergency, and we will need to vacate the building. Emergency exits are located in the corner of this room, and the door that you entered through. The fire assembly point is by the clock tower in the front of the building. If anyone needs any assistance, please, can you let the case team know toilet facilities can be found outside this room, across the landing and to the right and left and disabled facilities are through the doors opposite the entrance to this room. As far as I'm aware, no requests have been made for any special measures or arrangements to enable participation in this morning's hearing, such as needing to

take a break for medical reasons or having to leave the events at a certain time. If anyone does need a break or extra supports later on, then please do let the case team know

02:23

this event is being live streamed and recorded. Our letter the seventh of August, which will be referred to as the rule six. Letter explained that because we publish and retain digital recordings, they form a public record to which the General Data Protection Regulation, or GDPR, applies. The planning inspector publishes and retains recordings for a period of five years from the Secretary of State's decision on the development consent order. So if you participate in today's hearing, it's important that you understand that you'll be recorded and that you consent to the retention and publication of the digital recording. We will only ever ask for information to be placed on the public record that is important and relevant to the client, decision to avoid the need to edit the digital recordings, what we would request is that you try your best not to give any information that you would normally wish to keep private or confidential, such as your address details, financial circumstances or medical conditions. If you do feel the need to be fed something that's private or confidential, please. Could you discuss this with the case team first to explore whether this could be submitted in writing and redacted. Does anyone have any questions with regard to this matter in the room or online?

03:30

Great.

03:32

Does anyone intend to film or record this meeting?

03:37

Okay for those attending virtually? Can I repeat the request made in the arrangements conference that to minimize background noise, you make sure that your phone is switched off or turned silent and that you stay muted with your camera turned off unless you're speaking. I'd also ask that if you wish to speak, you switch on your camera and either use the raise hand function in MS teams or ask to speak at the appropriate time. And can I also remind people the chat function on teams will not work, so please do not try to use this to ask any questions or post any comments

04:07

for those people watching the live stream. Should we try? Should we adjourn? At any point, we will have to stop the live stream recordings to give us clear files as a result. At the point at which we start the meeting again and the live stream, you'll need to refresh your browser page will remind you of this again if we need to adjourn. Do we have any members of the press in attendance? Are there any

04:29

comments or questions or anything I've just raised in the room online,

04:35

this meeting will follow the agenda that was published on the project page in the national infrastructure web page on the fifth of September, can we show a copy on the screen? Please?

04:46

So examination, Library Reference, EV five, double 02,

04:51

thanks. Today's agenda is for guidance only, and we may add other issues as we progress.

04:58

Should this take longer they anticipated it?

05:00

May be necessary to prioritize matters and defer some to written questions.

05:05

So moving on to the purpose of today's hearing. Today's issue specific hearing is being held our request because we want to explore and discuss a number of matters relating to the development consent order. This is to ensure that we have all the information that we need to make a report to Secretary of State. We'll be using the latest version of the draft development consent order as submitted by the applicant, which is examination Library Reference. PD, one, double, oh, five. Today's hearing will be a structured discussion, which Mr. Robinson will lead based on the published agenda. It's important that we get the right answers to the questions that Mr. Robinson is going to ask. Please remember that the examination is a predominantly written process. If you cannot answer the questions being asked right now or require more time, then we'd rather you need you tell us you need to respond in writing rather than giving an incomplete or incorrect answer. We can then defer the response, either to an action point to be submitted at deadline one on the 24 September, or to later written questions or to a later hearing. I'd like to assure you that while we might not ask a question on a particular article schedule in the draft development consent order, it doesn't necessarily mean that we believe this matter has been fully addressed. It could be that we'll be examined at a later hearing or rewritten questions. We're expecting that most of today's contributions will be from parties have already requested to speak, but this is a public examination, so if there's any point you want to make, please do raise your hand if you're in the room or if you're participating online, raise your virtual hand and switch on your camera so that we can hear from you. Finally, I'd like to remind everyone that this is not an inquiry, so unless we specifically request it, there will be no formal presentation of cases or cross examination, and this means that any questions that you have other parties need to be asked through myself and Mr. Robinson. Are there any questions at this stage about the procedural side of today's hearing?

06:48

No,

06:50

great.

06:53

So the case two have provided me with a list of those interested in other parties who expect to wish to be present and heard today, I'm just going to go around the room now and ask those people present to introduce themselves. So when I say your name, can you introduce yourself? Give you a title. Who it is you represent, and if you attended virtually, please switch on your camera and your microphone. So we'll start with the applicant. Please

07:15

Good morning. I'm Tony Weston. I'm a partner at Gowling Wlg, and I'm the Lead legal adviser on behalf of the applicant. So I'll ask the applicants team to introduce themselves, starting with Misty Miss eastwell at the end.

07:28

Hi, I'm Nicole eastwell. I'm the national highways project manager for the sinister Island scheme.

07:35

Good morning. I'm Andy Pearce, design engineering manager at Jacobs, working on behalf of the applicant. Good morning. Phil Emerson, DCO, lead for Costa in advising the

07:44

applicant. Good morning, ma'am. I'm Richard thirling, a legal director at Gowling Wlg, and also a legal advisor to the applicant.

07:54

Thank you very much. And now, can I move to Bowie Council? Please?

07:58

Good morning, ma'am. Good morning, sir. My name is piers Riley Smith. I'm a barrister instructor on behalf of bury Council. I'm going to ask the council's team today to introduce themselves, starting to mr. O'Connor to my right

08:12

morning. My name is John O'Connor. I'm the Group Manager for highway network on asset management for bury Council. Thank you.

08:22

Good morning. My name is Rob Hall from environmental health at bury Council, dealing with the noise and vibration.

08:32

Melanie Walsh, I'm unit manager for neighborhoods enforcement, again, dealing with matters of noise and vibration, the statutory nuisance and the waste management aspect as well. Andy Southgate, I'm a group manager for major projects, and I'm also the lead local flood officer.

08:57

Thank you very much. And now I understand we have some interested parties, so I and some we have someone from the environment agency, whether online or in the room.

09:09

No, okay, it doesn't look like they've arrived.

09:13

Have we got anyone else that would like to speak today, either in the room or online,

09:22

like okay, there's any more hands, so I'll continue.

09:27

So I'll now pass Mr. Robinson, who's going to lead us through the rest of the items on the agenda.

09:33

Thank you. The issues that need to be examined as part of an application for development consent often need to be considered in multiple different ways, and the drafting of the development consent order is an example of a hearing where issues overlap. For example, mitigations or controls proposed through the DCO may or may not address concerns raised in relation to such matters as biodiversity, design, flooding or construction management matters. However.

10:00

The main discussions on such matters will take place in the issue specific hearings which are scheduled for November. What we are focusing on today is not what mitigation may be required, but if it is required, how it is being secured. And would the DCO as drafted, deliver it, I would therefore ask you to bear this in mind when answering the questions as it may be more appropriate that the points you may wish to make or the questions that you're expecting to be asked should be made at other issue specific hearings held during the course of the examination where they can be considered in more detail.

10:34

I'd also like to make it clear that this hearing is without prejudice, conversation for all parties involved. The examining authority is required, regardless of whether we recommend the application for approval or refusal to provide a draft development consent order with our recommendation report to the Secretary of State, should they be wish to grant consent. The discussion during this hearing in no way indicates whether or not the application will be recommended for approval or consent, and equally, your positive participation in the discussions does not detract from comments you may have made with regards to concerns about the proposal. Is everyone clear on that?

11:13

Okay, before we get onto the agenda, there's a number of key documents which are going to be referred to throughout this morning's hearing to Brent, things becoming repetitive, and to save time, I'll set these out now, along with the relevant examination Library Reference and how I'll refer to them

11:32

as I don't intend to keep repeating the examination library reference numbers. So the latest draft development consent order has the examination, Library Reference, PD, 1005,

11:45

and going forwards, I will refer to this as the draft DCO, the explanatory memorandum has EI, the reference a PP, 015,

11:56

and going forward, I will refer to this as just The explanatory memorandum.

12:01

So finally, just for the benefit of those who are possibly not as familiar with the DCO process as some in the room, I want to provide context for what we are considering this morning. When we review the drafting of the DCO, we are not only looking at what would be secured, but how it would be secured and whether it meets the drafting tests, namely, that it is necessary, relevant to planning, relevant to the development, to be permitted, enforceable, precise and reasonable in all other respects. These may be familiar as they are, the same tests that are used for planning conditions, as set out in paragraph 56 of the National Planning Policy Framework. Before I move on to item two. Does anyone have any questions about any of the points I've just made?

12:47

Okay, I don't see any hands up, so I'll move on to item two. So having reviewed the draft DCO, we highlighted a number of questions which we considered required, relatively straightforward responses, clarifications and all the submission of additional information and evidence which we did not feel needed to be raised orally during the hearing today. So rather than using the time at this hearing to ask these questions, we published a supplementary agenda which was referenced EV 5003,

13:17

detailing these queries and requests and asking that we be provided with a written response at deadline one. However, as set out in the agenda, I just want to take this opportunity to ask now whether anyone considers that any of these questions and requests need to be explored orally at these hearings. So firstly, I'm going to check with the applicant, given that the majority of the questions and queries were directed to you if there are any matters arising from this supplementary agenda that you wish to raise. Thank you, sir Tony Weston, for the applicant, and no, we don't need to raise anything this morning, we've been through the supplementary agenda in quite a lot of detail, so we're going to be able to provide the response that you've requested at deadline one. We're also proposing to provide a revised version of the draft DCO and explanatory memorandum at the same deadline.

14:08

Okay, thank you for that.

14:14

I just want to say before I ask the council,

14:17

there were a number of typographical errors within the draft DCO appreciate it was only the first draft, but due to the number of errors identified, we would like you to get someone not working on this project to review the draft DCO, just to check whether there are any further errors that may exist. Could you take that way as an action point and also do that with your submission for deadline one?

14:39

Yeah, okay, that's a yes. Thank you. And also,

14:43

could you also review your explanatory memorandum whilst

14:48

looking at this, just to make sure that where we've asked for clarifications, that the explanatory memorandum does actually justify the power sought, because we were a bit concerned that the inclusion of some of the power.

15:00

Was not fully explained. So could you also just review that as well as an action point?

15:07

Thank you, sir, yes. Tony Weston for the applicant, and yes, that's fine. When we've been working through the supplementary agenda, we've identified that as an action point. So in our response to supplementary agenda, we've also kind of clarified when we're going to provide further text in the explanatory memorandum. Okay, brilliant. Thank you for that clarification.

15:26

To bury Council. Do you wish to raise anything on the supplementary agenda phase? Valley Smith for the council, no, sir, clear, helpful questions, and we'll provide an answer to all of them. Thank you very much. Is there anybody else in the room who wishes to raise any comments on the supplementary agenda,

15:45

I don't see any hands. Thank you.

15:49

Okay, so we'll move on to Item three now, as per the agenda, if I can start by asking the applicant to provide everyone with a brief walkthrough of each of the parts of the draft DCO, to provide everyone with an understanding of the power sort and the context for discussions today, and also for the benefit of anybody is watching online who may want to catch up at a later date. I'll leave it up to you whether you want to provide a brief overview of the works details and schedule one now to help set the context, or whether you want to wait for that for item five. So I'll leave that to you, but I'll hand over Thank you,

Sir Richard Thurling, on behalf of the applicant, just picking up on your last point first, if I may, we had addressed that in the order it appeared in the agenda. So we were going to do a more detailed walk through of schedule one. I think it's Item five, isn't it in the agenda, what I was proposing to do now and is to explain the approach to the draft and then provide the general overview requested. Obviously, if there's any points you want to stop me and ask for further clarification, I can happily assist in that regard. So firstly, the approach that we've taken when preparing the draft is to utilize the statutory instrument template and the model provisions, and, of course, the precedents that have been created by other tried and tested DCOs.

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The draft DCO is prepared in seven parts, and it has 10 schedules.

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Part one sets out when the dcl will come into effect, and contains the defined terms Article Two, which are then used throughout the dcl.

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Part Two sets out the principal powers, which include the grant of development consent for the scheme and also the power to maintain the scheme, therefore, when it's operational, thereafter, when it's operational,

17:47

it also sets out limits of deviation for the scheme to allow for lateral and vertical deviations from the lines and situations which are shown on the works plans and the engineering drawings and sections plans which form part of the application submission.

18:03

Part three of the DCO deals with streets, and includes how the new roads and street works. Act 1991 applies to the works how new, altered and diverted streets will be constructed and maintained,

18:19

the classification of roads which will apply on completion of the scheme,

18:24

powers to allow temporary and permanent stopping up of streets, public rights of way and also private means of access,

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powers to make, modify and revoke traffic regulation orders.

18:38

Part Four of the DCO is headed supplemental powers, and it contains provisions relating to the discharge of water, protective works, to buildings and powers for the applicant to enter onto land, to carry out surveys and investigative works.

18:56

Part five of the DCO contains the powers which the applicant will have to acquire land and rights by compulsory acquisition,

19:06

including how long those powers will be available and what restrictions will apply to the operation of them.

19:14

It also sets out the applicant's powers to take temporary possession of land for carrying out and maintaining the scheme and special protections for statutory undertakers, where their land and apparatus is affected by the compulsory acquisition powers.

19:30

Part Six of the DCO contains powers for the applicant to fell and lock trees and remove hedgerows.

19:39

And then finally, Part seven of the DCO deals with general matters, which include things like the application of landlord and tenant law, defense against statutory nuisance claims, and importantly, certification of documents, which are, of course, the documents which would be certified by the Secretary of State, and set out how the applicant.

20:00

Just carry out the scheme.

20:03

The schedules of the DCO are referenced throughout the main body,

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but of particular note, perhaps by reference to the agenda today.

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Firstly, which we just touched on, is schedule one sets out a description of the works which will be authorized by the DCO. And as I mentioned, we'll, we'll come on to that later in the agenda,

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again, coming on to it later in the agenda, schedule two sets out the requirements, and for perhaps the benefit of those that may be listening in those are similar to planning conditions, which the applicant will need to comply with when carrying out the scheme, and includes a process for the discharge of those requirements. And then finally schedule nine, because, again, there's a later item agenda on that sets out the protective provisions which would apply in favor of statutory undertakers, both generally and in relation to some specific statutory undertakers which were identified.

21:03

That was all I was proposing to say, by way of a general overview, sir.

21:08

If that assists for this part,

21:10

yeah, that's fine. Thank you. Just one query. Did you say at the beginning that it has been based on the model provisions?

21:19

Yes, sir. Insofar as it's taken into account, I know the model provisions are of a certain age, or perhaps the polite ways of certain vintage now, but they did, of course, inform the basis for the DCOs that have followed. What we've done, of course, is, I think, in certain points in the explanatory memorandum, we've referenced when

21:44

a model provision included that power, and then we've also referred to other DCOs, where wording has been granted by the Secretary of State.

21:56

Thank you for that clarification.

21:59

Does before we move on to item four. Do bury? Council? Have any comments to make? No, okay. Thank you. So moving on to item four.

22:11

First item within this section is the use of significant adverse so in a number of places, such as in the definition for maintain in Article Six and in requirements three, eight and 12, the draft DCO includes the wording significant adverse in the tail piece to provide flexibility to carry out works or undertake various actions which would not give rise to any materially new or materially different significant adverse effects in comparison with those reported in the environmental statement. Could the applicant explain why you have included the wording significant adverse within the draft and why it is required?

22:55

Thank you, Sir Richard thirling, on behalf of the applicant,

22:59

so as you alluded to in that introduction. It's used principally in order to strike the right balance between flexibility, which is often permitted within DCOs, and precision, which of course, you as the panel will be particularly interested in. It's used to ensure that the that the powers granted within the DCO or any alterations which can be permitted by the Secretary of State are restricted to matters that have been appropriately assessed.

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The wording operates to restrict the works that the applicant can either undertake or the changes that the Secretary of State might approve,

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and ensures that they do not result in any significant adverse effects or impacts which haven't otherwise been assessed in the ES

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in That way that the wording permits flexibility,

24:00

because it allows the applicant to operate within those parameters, those defined and assessed parameters, but wouldn't because it refers to things like significant adverse effects and prevents that. It wouldn't prevent things like a beneficial effect being brought forward, which we thought was the appropriate way to attach things, and as I say, seeks to strike that right balance between flexibility and precision.

24:31

Okay,

24:33

thanks for that. Thanks for that. So I expected that you would say that it would be flexibility, but the wording you've used does differ from the wording in other orders, which just states not giving rise to materially new or materially different effects in comparison to those reported in the environmental statement. I'm interested in understanding further the implications of adding this wording. So could you explain what difference adding significant adverse would make?

25:00

Yeah.

25:01

Well, I think firstly, adding significant is to provide clarity,

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because otherwise it's just generally, as you say, referring to different

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effects is broad, isn't it narrowing that significant effects is consistent with the principle and approach to

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environmental assessment, and adding the word adverse is to clarify that it's where it results in a detrimental or worse impact.

25:37

And without including that wording, then it wouldn't allow the applicant to potentially deliver effects which might be better,

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but if you just had materially different effects in comparison to those, would that still not allow for beneficial effects?

26:00

So sorry, Richard, certainly on behalf of the applicant, for the benefit of the time,

26:07

potentially not sir, I think, because we just talk about different effects. Therefore, if the effect was different but was beneficial, then you would

26:17

strictly looking at the wording, be prevented from doing it.

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Just trying to use as an example to see how this would work in practice. So for

26:30

looking at Article Six, for example,

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could the implication of adding this word in give you a higher bar in terms of the limits of deviation, for example, that could well be deemed acceptable. Could the implication be that it would allow a greater scope for increased distances than would be the case if it was just materially new or materially different? Does it have to be a significant adverse effect in order to hit the threshold

27:01

of what you're seeking.

27:06

I think it's useful to refer to the limits of deviation to explore in this context.

27:13

Apologies. Richard thuring, on behalf of the applicant,

27:19

obviously, limits of deviation are constrained anyway, because they're constrained to the limits laterally, as shown on the works plans, or vertically to naught point five meters, as shown on the engineering

drawings, and then The piece at six two in limits of deviation where we're talking about this wording applies in relation to a

27:47

scenario where the applicant wants to move away from those limits, wants to do something outside of those limits, and has to satisfy the secretary of state that in doing so, that doesn't result in

28:01

an effect which hasn't been assessed, the wording we're talking about, and adding in the materially new, materially different, significant adverse effect, we say, would be to ensure that that doesn't mean that the Secretary of State could allow the applicant to do something that hadn't otherwise been assessed.

28:29

Okay, thank you.

28:32

You haven't provided any explanation. Explanatory memorandum for this. Are there any other orders that have included this wording, or is it a novel provision

28:44

that there are other Richard thaling on behalf of the applicant, so that there are other orders that use a variety of takes on this, this wording,

28:56

which probably a point I can better come Back to you in writing on, but yeah, that that I am aware of other orders that use variations of that theme in terms of worse than, not materially different, not materially worse than, so significant adverse was, was meant to provide the adequate level of precision.

29:20

Okay, yes, I think if you could take that away as an action point,

29:26

so an action point to explain whether there's any other orders that have used this, but we would also be interested in taking that further, that you could look at the context of why it's necessary in this particular case. So it's not just saying, Oh, that was used in such and such an order. We do want to see why it's deemed necessary in this case. If you can also include that in your action point, that would be appreciated.

29:53

And could you also add it into the explanatory memorandums? There's something in there as well to give the detail.

30:00

Thank you.

30:01

Richard thurling, on behalf of the applicant, thank you. Panel made a suitable note, and I know others have as well. And yes, we will. We will take that away and update the explanatory memorandum, as my colleague Ms Weston mentioned earlier, and provide that deadline one.

30:18

Okay, thank you. Mr. Thurwell, I'll turn to Barry Council now, could you provide your opinion on the use of this wording, its potential scope, and whether you are satisfied with what you've heard from the applicant?

30:33

Thanks. Piers Wiley Smith, for the council.

30:37

Our position is we can understand why it was used by national highways. We didn't have the concerns of it, obviously. So you've illustrated, potentially, some of the practical difficulties with it, but ourselves, we didn't have a concern. But we've noted your position. We've noted national highways.

30:54

Okay? So you, you're confident that this could be you can actually interpret this term appropriately, yes, the nature of these things is there is some element of subjectivity, but that's what adds in the flexibility to it. So, so we didn't have a concern as to that.

31:13

Okay, thank you very much.

31:19

Okay, we'll move on now to article 10, which is street works.

31:25

So article 10 would allow the undertaker to carry out a number of works and activities to streets for the purposes of the authorized development which are within the order limits. So could the applicant explain why it requires the list of works included in paragraph one, A to G,

31:46

Thank you, Sir Richard thurling, on behalf of the

31:50

applicant, so they the items that are listed, a to J, article 10 are included because there are a number of interactions between the scheme with the local highway network,

32:05

those potential interactions include things like the delivery of

32:12

compound to facilitate the development, which would require connecting into a substation, for example, At Moad Hill lane, which I think was referred to during the discussions yesterday. And as a as I say, those interactions mean that without the power to do that, we wouldn't otherwise be able to enter on to streets within the

32:38

local high authorities network, which operates as the street authority in this instance, for this article, to to open up the street, put in services, like I said in that instance, and electricity supply, so that putting apparatus within the street, keeping renewing and maintaining it,

32:56

and may require those other matters, such as adjusting street furniture and things to suit.

33:05

Okay, thank you. So you've mentioned the local highway authority streets, would this article also extend to any private streets which are located within the order limits?

33:17

Yes. Richard Thali, on behalf of the applicant, yes, sir,

33:21

it would because the definition of streets is broad. A street includes both something where it is an adopted highway, but also something that is not and is otherwise a private Street.

33:34

Thank you.

33:38

Okay, thank you for that.

33:40

Does the extent of streets that you are wanting to interfere with? Should they be more clearly defined in the schedule to improve position and clarify the streets? And if not, why not?

33:58

Thanks. And Richard Elling on behalf of the applicant,

34:03

the reference to streets is, of course, restricted by reference to the order limits. So is restricted in that way. You'll know that the vast majority of the highway network within the order limits is, of course, the strategic

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highway network, which national highways is responsible for. So the interactions are already limited just to those local highway

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that fall outside of the strategic network. I certainly know that our technical term have been in liaison with

34:39

the local highway authority discussing those points and interactions

34:45

so that it would be consistent with this power within the order,

34:53

yeah, and that's one of the reasons why I sort of asked the question, because I couldn't see a huge amount of streets that could potentially be affected.

35:00

To do for my looking at the plans, it was Kenilworth Road, Barnard Avenue, Balmoral Avenue, mode, Hill lane, Marston closing, Griff lane, and two of the private lanes where there could potentially be some confusion, is on your general arrangement plans. You've got roads such as sungate road crossing, Hill lane crossing, which states that the streets would not be affected by the works on the general arrangement plans, but then they would looking at the plans be within the order limits,

35:32

just if you're just showing those now, yeah, if you zoom in, I think

35:42

that's sufficient. Yes,

35:44

maybe scroll up a little bit, because I think you so you can see the tab.

35:51

Yeah, so it stays there. Sandgate crossing of not affected by words. But would the way that the article is drafted actually

35:59

provide powers to do any works to that street? Does

36:04

there need to be a provision to actually, more clearly say if there's any streets which wouldn't be affected?

36:12

Thank you, sir. Richard Ling, on behalf of the applicant, I think the key point here is that we're not expecting there to be works there, but there is the possibility, and then, of course, this provision allows for that flexibility.

36:35

Thank you for that. Mr. Lowe,

36:38

I'll turn to Barry Council now. Are you happy with the extent of works listed, or do you have any comments on the scope of those powers sought within the article? Thank you, sir. Piers. Riley Smith for the council, so we don't have a concern as to the scope of works. We understand why they're being soared. I think the one point that the council has a slight concern at this stage is just that, at the moment, unlike, for example, as we're going to come on to Article 14 or article 17, as we understand as this is drafted, there's no need to, as it were, notify the council to seek their consent or anything like that. Now I appreciate, I think it's not really the intention to carry out any street works in relation to our local roads, but these have to be drafted on the basis that there could be. And I think the concern is currently, things could be carried out on our roads without even on the face of it, notification to us. So it's certainly not an in principle concern. I think it's just whether there needs to be some wording added that, at the very least, requires notification to us if it's going to be carried out on our local road network.

37:52

I think I may leave for if I may written submissions, because I'll need to take instructions on it once we understand the full extent whether there's also a need for our consent as well, in a similar manner to Article 17, but at the very least potentially, I think it's simply a practical point of making sure that there's coordination as to whether there's other things going on. So so it's not an in principle concern, it's just one as to notification and potentially

38:18

consent. Okay, that's fine. Is that notification? Does the council operate? Do you mean like through a permit scheme,

38:26

or is something like that covered in Article 11 five,

38:31

which states that basically applies provisions of the 1991 act on a very

38:40

Council? And yet, so on the face of it, looking at that article 10 provision, the concern was, well, we could be coordinating other works in those streets or whatever. So so we kind of would like the opportunity, as we would with the normal permit system, to have those identified to us so we can't coordinate that. That was the slight concern.

39:06

Okay, thanks. Did you say you're going to take that way as an action point to provide a bit more detail on what it is that you're seeking? Okay, that's that's fine. I will turn to the applicant for a response to that easement, particularly the comment I made about the relationship with Article 11 five and whether this provides any sort of notification process or not.

39:36

Thank you, sir. Richard earling, on behalf of the applicant, I'm grateful for the opportunity to come back, because that is exactly the point. So

39:45

article 10 provides the power to go and do the works.

39:50

Article 11 relates to the interaction with the new roads and street Works Act, which is which otherwise would would require somebody.

40:00

Isn't it street authority to go and get a street license. And of course, this is part of the principle of DC and the One Stop Shop principle.

40:07

But within that, as you say at 11 five, that includes matters like

40:13

55 giving giving notice of this start of works. And then also, moving on, there's also article 12, which talks about where the undertaker does works within a street to ensure that those are completed to the reasonable satisfaction of the street authority which would be buried. In this instance,

40:36

I can expand on that point in our written summary of this note, but I'd suggest that's perhaps the best way for me to approach that, for you and for that the local authorities benefit.

40:50

Yes, I think that will be obviously, I think

40:54

I'll leave it to the council to state your position in your action point. Obviously, the applicant will be able to then respond at the next deadline, but also heard the point that's been raised about the relationship

with the Ask 11 five, and maybe if you can also take that within your action point to just sort of explain whether you

41:14

agree with that relationship or not.

41:21

Okay, so that brings me to the end of questions on that particular article. So I'll move on to Article 12 in respect of paragraph one. Could the applicant clarify whether any streets are proposed to be constructed under the order which aren't a special road or trunk road? Can you, and if there are, can you clarify what they are that would be maintained by the local highway authority?

41:48

Thank you, sir. Richard Elling, on behalf of the applicant,

41:52

there aren't currently envisaged to be

41:56

specific new streets constructed, but as you recall in my earlier response, the definition of a street is extremely broad. So a street doesn't necessarily mean what people may envisage a street to be named a long, linear strip of carriageway. It can include other matters such as

42:18

well, in some cases, parking areas and squares and things like that. So

42:24

it is a matter which has been in

42:27

many other highway DCOs, and just allows for that flexibility in case there are unforeseen that isn't when dealing with tie ins or something that would inadvertently create what might be constituted as a as a new street. But

42:44

the first part of my response was, we don't envisage any at this time,

42:50

okay, but you're acquiring it in case you need to provide a street of some description during the works. Essentially, is why you're just, you're stating that this is required, sir, which thing on behalf of the applicant is absolutely right? Okay,

43:06

I had a similar query for

43:09

sub paragraph or paragraph two,

43:13

which were to be altered or diverted. So I take it then, therefore that's been

43:20

made that is included for flexibility for any street that may at the minute, have you got any proposals to divert or alter any streets?

43:33

Thank you, Sir Richard Sterling, on behalf of the applicant, there

43:38

aren't necessarily proposals to divert streets, but there are professors do works within streets

43:45

which may be categorized as an alteration.

43:50

So it's for that reason that that power is included.

43:57

Okay, thank you. Does this article actually cover the public rights of ways that you are proposing to divert, which is why I was wondering whether reference to street paragraph two is meant to cover that or not.

44:13

So is this article also intended to cover the private right of ways? And if it is, do you need to make that more clear in the article.

44:25

Thank you, Sir Richard Sterling, on behalf of the applicant, as

44:30

far as I'm aware, it's a point I will double check and take some instructions on but it wasn't intended to cover public rights away, but could cover private means of access. But I'll take the opportunity, if I may, to check and clarify that and confirm in the written response,

44:49

yes, because you've got

44:52

diverted public rights of way schedule three. So I was wondering, I know that that's also included in Article four.

45:00

13. But I was also wondering whether article 12 was meant to cover that. But if you could, if you could clarify that in an action point

45:09

as to whether article 12

45:12

includes public rights of way, then that would be appreciated. Thank you.

45:19

And deadline one, so yes, in terms of the action points, would we know the action points can be interesting to try and keep up. So yeah, so we'll be expecting them at deadline one, unless state otherwise, and then obviously any responses to those at deadline two.

45:39

Thank you, sir. Richard Thompson, that's absolutely fine. That was our expectation. And for clarity, I was proposing to cover it in because you also require written summaries of the submissions that are being made today. So it was through that mechanism I was proposing to provide you with that written update. If that's acceptable to the panel? Yeah, that is acceptable to us. Thank you. I'll turn to Mary come from Mr. Riley Smith, are you happy with the scope of the article and the wording and whether it specifically relates to the proposed development, particularly the requirement to maintain any street that is constructed? Well, thanks if it exists in terms of perhaps reflecting the clarity of the drafting. My interpretation of that is actually different from what national highways have just said,

46:28

going off the definition of street. I thought that that did include the public rights of way which were to be diverted, and it would do under the definition of the 1991 act. I didn't think it included the private means of access. I didn't think they would fall under the statutory definition, which I think is the one in the order so

46:47

on that understanding that it related to the public rights of where not the private means of access. We were comfortable with the scope of it and the effect of it. If that wording is changing, it may be something that we need to, I think, react to and understand national highways position, because if it doesn't quite mean what they say they intend it to mean at this point in time, and as to what they say they want it to mean, I'm not quite sure whether we would be comfortable with that or not. So say, if I may, I think it's something where we need to understand a bit more national highways position.

47:22

Okay, that's fine. And then you you'll obviously have the opportunity to comment at that at the following deadline after the response comes in, okay, that's fine.

47:33

Turning now to Article 13,

47:38

a clarification on paragraph four, where it states the date on which the authorized development is open for traffic. Is there a possibility that the authorized development could open in stages, and if so, should this paragraph be updated to incorporate this

47:58

Thank you, Sir Richard Sterling, on behalf of the applicant, and there is a possibility that the scheme could open in stages, so

48:08

we can take that point away and consider if it's necessary to reflect that in the wording for increased precision.

48:20

Okay, thank you for that.

48:24

I'll now turn to paragraph five. I think it'd be helpful here if you could display the streets right of way and access plans.

48:42

Okay?

48:45

So the article is worded, refers to private means of access which paragraph 5.37,

48:52

of the expansion memorandum also refers to,

48:57

however, column two of Part Four of schedule three,

49:02

which is on page 47

49:05

appears to relate to maintenance access tracks, which are referred to as scheme maintenance access on the plan. So that's in the in the key on the right hand side. Yeah, that's that's perfect. Thank you.

49:19

Rather than scheme, private means of access. Could you clarify is this paragraph of the article intended to cover the maintenance access tracks the private means of access to them, or both? I

49:40

i

49:43

Thank you, sir, sorry. Richard Thuring, on behalf of the applicant, I was just trying to seek clarification. I'm saying this is referring to those, but I think point we need to

49:56

check and clarify, and I'll confirm I've.

50:00

Not been able to get that response right now.

50:04

Okay, thank you. Yes. So as an action point, then, just to clarify the extent of paragraph five, whether it's private means of access, scheme maintenance access, or both.

50:19

Mr. Riney Smith, have you got any comments on respect to Barry Council? Okay, thank you very much.

50:30

Moving on to Article 16,

50:35

which is access to works,

50:39

given that the general arrangement plans and streets of right of way, an access plan proposes means of access within the order limits. Could you clarify why this article is necessary?

50:57

Apologies, Sir Richard thing on behalf of the app, and could I ask you to repeat the question, yeah, that's fine. So on the general arrangement plans and the streets of rights of waive plans, it proposes means of access at certain points within the order limits. So my queries, could you clarify, given that you've shown those on the plans, why the article is necessary?

51:19

Thank you. Serge Richard, Sterling on behalf of the applicant, I think

51:23

it's anticipated that this article would be relied upon to provide maybe temporary access during the construction period, whereas other

51:35

points of Access

51:38

forming part form part of the authorized development,

51:43

and it allows

51:45

for existing means of access to be improved,

52:02

is the article event therefore intended to cover the mainly the construction period or the operation period? Because with the operation period, most of the proposed development would be within national highways, own road network. So is it to cover both or mainly just the construction period?

52:22

Thank you. Terry. On behalf of the African it would be to cover both.

52:36

Okay, thank you

52:39

staying on this article. Paragraph 5.45,

52:43

of the explanatory memorandum states that the powers sought under this article are equivalent to those available to national highways when implementing schemes under the Highways Act 1980

52:55

Could you clarify specifically which powers of the Highways Act the article would be equivalent to the two,

53:03

thank you, sir. It's Richard thirling. On behalf of the applicant.

53:07

I had made a note in terms of preparing for today to actually go and update the review the wording in the explanatory memorandum and update accordingly, so I can add that in at the appropriate time.

Thank you. Yes, thank you. So, if you could take that away as an action point, but also as part of that action point, if you could also make it clear as to how it would be equivalent powers, then at least, then we can understand

53:36

why that is i

53:44

I'll turn to you now. Mr. Roney Smith, given what you've heard, are you the council

53:52

satisfied with the flexibility that's been sought under this article, or is there any concerns that you have?

54:00

So I've been asked to raise no concerns. No concerns.

54:06

Okay. Thank you very much.

54:13

Moving on to Article 20,

54:18

my question to the applicant, could you explain why you've inserted the words any land which is adjacent to why it is needed? And could you give us some idea as to the extent of land adjacent could cover? So the article 20 is in respect of the authority to survey and investigate the land.

54:41

Thank you, Sir Richard Sterling, on behalf of the applicant, it includes land outside of the order limits, but that's the intention there is. It's principally for assessing ground conditions

54:53

and to prevent sort of unintended consequences arising from the works that are permitted within the order limits.

55:02

The wording has appeared in other permitted DCOs previously, but that that is the intention is just to cover those

55:12

to assess those ground conditions, to prevent unintended consequences arising.

55:19

Okay, and by using the term adjacent it would do you consider it would sufficiently cover the powers needed in order to do that.

55:31

Thank you, sir. Richard Thuring, on behalf of the applicant, yes, would be the simple response. I think it's fairly clear where the audit limits are defined and the land that would be adjacent to that,

55:44

I think, where we would like some clarification, if you've got, like, a field this, for example, that's next to the order limit, does the term adjacent mean the entirety of that field that you could have powers to do, or whether it is a little bit more restricted than that? I

56:03

thank you. Richard Thirling, on behalf of the applicant, the intention is not to sort of go

56:14

vastly beyond the order limits, naturally, given this scenario I've sort of outlined, it's,

56:23

it's where we're doing works within the order limits, and to understand what the potential might be on land that might be affected otherwise outside of that, and to try and prevent, um, sort of adverse consequences arising

56:36

in terms of a specific Measure. I'm not sure that that's appropriate. You know, as

56:44

as the often coined phrase, you don't know what's in the ground until you get down there and assess it.

56:55

If I could have

56:57

Weston on behalf of the applicant, I think it's probably worth mentioning too that obviously it's a very limited power. It is just limited to surveying and investigative works. And actually the terms of the power do they are on all fours with other powers which existing other legislation where you can serve 14 days notice and go on to land in order to do these quite limited survey investigative work. So I think if you look at it in that context, obviously that, in itself, kind of provides a check and balance against the scale of the power. And as Mr. Furlings already said, you know, the intention is that it would be, you know, given its ordinary, everyday meaning of adjacent, if we thought that the it was going too far into the field, to use your example, then we would have other powers that we could be could use in order to do those works.

57:49

Okay, thank you.

57:51

Mr. Ronnie Smith, has the council got any comments on this article?

57:56

No. So if it assists,

58:00

I think the term land adjacent to I think I've certainly come across it in the CPO regime. I think it is the sort of recognized term and understanding as to what it could encompass. I don't think we've got concerns, and I think it provides suitable enough flexibility, and we do think it's a very appropriate point to make that it's a fairly limited power in its scope. So no, so we don't have any concerns.

58:26

Okay, thank you very much.

58:28

Okay, I'll now move on to Article 36 which is the felling or lopping of trees and removal of hedgerows. So

58:36

it'll be important. I think it would be useful at this stage if you could display the important hedgerows plans.

58:47

So as drafted article 36 it would provide powers to fell any tree within or overhanging the order limits. And paragraph two would allow the undertaker to move or manage any hedgerow, including important hedgerows within the order limits and those specified in schedule eight of the order.

59:09

So as such, I'm going to also cover the suitability of schedule eight with this article as well.

59:18

Could the applicant clarify that the wording in paragraph two

59:23

and that in schedule eight, which refers to remove or manage any hedgerow, would actually provide powers to remove any of the hedgerows Within the important limits or those within schedule eight. So

59:43

thank you to Richard Elling, on behalf of the applicant I was just reviewing paragraph two. It is just limited to those hedgerows that are identified in schedule eight that then tally with the

59:56

important hedgerows plans. I.

1:00:00

Okay, that's that was what I was thinking.

1:00:05

Paragraph 1.3, point 17 of appendix 6.1, of the environmental statement actually states that hedgerows, HD, 2223

1:00:18

3980 would not be removed with so I think, yes, if you scroll to it's where the

1:00:28

school playing field are. Is the area

1:00:32

where I'm referring to here, that's it, yeah, so you've got those hedgerows there. So, HG, 2223

1:00:40

39 and 80. So it states in the application documents, they would not be removed with HG 21 which is effectively where the access is proposed to serve the attenuation pond. They say would only require limited trimming. So therefore, could you explain why those hedgerows have been listed in schedule eight and particularly HG 22 which is located outside the order limits.

1:01:11

Thank you, sir. Richard

1:01:13

Elling, on behalf of the applicant, going back to the wording in 36 two, it does talk about the ability to remove or manage those those hedgerows. So the expectation is that there would be those particular ones that you've been referred to would be managed rather than removed.

1:01:34

Okay, but if it stays removed or managed, does that not give you the power to do either service,

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depending on behalf of the applicant? Of the applicant, it does but, but obviously,

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we'd only be looking to see what's proposed. And

1:01:54

sorry, just a moment.

1:02:01

Thank you, sir.

1:02:03

It is, of course, against what's been assessed in the ES and the limits that are defined within that ES. And we it's restricted in that way, in addition to the fact that, you know, we're only allowed to touch the hedgerows that are identified in schedule eight,

1:02:21

as I say, we'd expect the power and what's covered in the s to be entirely consistent with each other.

1:02:31

Okay, but I am struggling to see how that would be clear in what you've got drafted, because the way I'm interpreting it is that actually you could still have power. So in that case, does schedule eight need to be more clear as to exactly what is proposed in each of those hedgerows, who adding an additional column,

1:02:51

which actually says works to be undertaken, and if there aren't any actually, because the ES does state that those a number of those hedgerows will not be removed, and there's no words. Do they even need to be listed?

1:03:10

Thank you. So Richard thurling on behalf of the applicant, so I think it's better. It's a point that is clearly going to be better for me to take away and come back to you in writing, I would expect the answer to better articulate than I can now, how that would be governed by other requirements and restrictions that apply. But as I say, I'll set that out in writing for you when providing the summary note,

1:03:40

yes, I think, I think that would be useful. If you could review the article, the powers sort and also in comparison to what's in the environmental statement, then I think that would be an appropriate way forward. Can

1:03:55

I just clarify

1:03:58

the only one I didn't refer to was H, hetero, HG, oh, eight. Was there any works proposed to that? I think that is located where the construction compound, near mold Hill lane is. I think it's that there

1:04:19

was not sure whether it was clear in the application document what was proposed to that hedgerow. Could you just try and clarify this now or as an action point?

1:04:31

Thank you, Sir

1:04:34

Richard thurley, on behalf of the applicant, the information we're getting, we believe it's to be removed, but we will clarify that point. I was just going to ask. Perhaps it was

1:04:44

unless my team indicate this isn't necessary, Could I trouble you for the list of the hedger as you referred to, or as I look down the row here? Are we happy that we have a note of all the references I.

1:05:00

I'm not seeing any any indication. So Could I trouble you just to give my references, yeah, so that I can make sure we respond to yeah, all your points. It's basically the ones that are listed in schedule eight that okay, yes, that's fine.

1:05:17

Thank you. You

1:05:20

on.

1:05:25

Yeah. And also, one thing you could also clarify is, HG, 2422

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is located outside the order limits. Is it therefore possible that you can even include that within the article, given that it's not within the order limit. Thank you, sir. Richard turning on behalf,

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I've taken that specific note in relation to Hg 22 Thank you.

1:05:50

Okay. Thank you very much. Thank

1:06:00

I

1:06:09

just checking.

1:06:15

Also, one thing I could, I would like to ask is the works in schedule one, where you are actually, in order to improve precision, should the works that you are doing to any hedgerows be more explicitly listed in the works in schedule one, so that it's clear which works actually will require any works to any of the hedgerows.

1:06:39

Thank you, sir. Richard Thirling. On behalf of the applicant,

1:06:44

I've added that further note about schedule one. My initial expectation is that the position is better

1:06:53

articulated through article 36 and schedule eight,

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but we can confirm that as part of the written note,

1:07:04

okay, so we can include that in keeping the same action point as well, if any relationship with the works schedule.

1:07:13

Okay, I'll turn to the council now. Do you have any comments you wish to make on this article? Thank you, sir Piers Riley Smith for the council. So I think, I think we agree, and I think it's recognized that some more clarity in relation to this would be useful. I think probably the overarching control would be 36 subsection three, in the sense of, if the ES and everything sets out that the hedgerow is going to be managed, and then you go ahead and remove it. There's an argument there that you've done unnecessary damage, and that's the control. But I think that's not to say that. I don't think more clarity would be helpful in relation to this, but no so nothing particular to that.

1:07:55

Okay. Thank you very much. We will now move on to Article 38

1:08:01

and it would be helpful here if the works plans are

1:08:06

displayed, and the first one being sheet two of five.

1:08:16

So the area of land that we're interested in here is

1:08:22

the land to the north west

1:08:26

of junction 18. So it is the area where the construction compound is proposed.

1:08:33

So that that the land in there is primarily required for the construction compound. But it appears that this is looking at this plan, there's a significant amount of land that's not required. So could you explain to us why all this land is required and why it needs to be operational land?

1:08:58

Thank you, Sir Richard thurling, on behalf of the applicant,

1:09:04

I think, in terms of the amount of land and it being needed as operational, and that's point I'd have to take away and get clarification on

1:09:15

that. The bit I was more able to assist you with or thought the questions were going to go was in relation to operational land and the interaction with the tenant Country Planning Act. And it was yes and be helpful. Yeah, you could elaborate further on that, please. So well it was, it's more

1:09:40

that this article, sorry. Richard thirling, on behalf of the applicant,

1:09:46

this article effectively identifies that the land within the DCO, the DCO is a specific planning permission which would allow that land to categorize as operational land without that.

1:10:00

By virtue of section 264 of the Town and Country Planning Act, land that gets acquired after 1968 would otherwise be excluded and therefore wouldn't benefit from some of the

1:10:15

additional sort of powers relating to future permitted development rights which otherwise operational land does benefit from so that that that's the reason it's in there.

1:10:28

It is, of course, one of those that appeared as a model provision.

1:10:34

But as I say, in terms of the quantum and categorization of operational and that's a point I can take away and come back to with the written note,

1:10:48

yes, because what you're saying correct me if I'm wrong. But if the order was to be granted, it would become operational land, which would result in national highways having permitted development rights all over that land, potentially,

1:11:06

and it is land within the Greenbelt, so I would like some justification as to why all of that land is needed for operational land. Is

1:11:14

there anything you can advise me now on why that is? Thank you, sir. Richard thirling,

1:11:20

nothing there can buy you on immediately, but I understand the point so happy to address that specific point in the written response,

1:11:31

okay. Thank you very much. And in terms of the next area of land that we were going to focus on, which is actually to the southwest of the junction, if you just scroll down,

1:11:43

yes, so it's the area where

1:11:48

the blue area is a proposed environmental mitigation area. But again, there's a quite a large extent of land that seems to be included within operational land, which seems unclear to us as to why all of that is included as well. So if you are doing that note to us, could you also include this piece of land as well within that? Thank you. Sarah, telling on behalf of the African, of course, yeah, we'll include that as part of the exercise.

1:12:21

Thank you very much.

1:12:24

I do have another area of land which we'll refer to, but it's a slightly different question, so I will turn to bury Council as to whether you have any comments on what we've just discussed.

1:12:36

Yes. Piers Radley Smith of the council,

1:12:40

it is a concern in terms of, if that is the effect to grant, effectively, PD rights across a wide swath of Greenbelt unnecessarily, I think so. It's a point we'd like to see national highways response, and then we will consider our position in relation

1:12:58

to it. Okay. Thank you very much. I

1:13:04

The final piece of land that we would like to query is actually on sheet one, the five, and it's the area north at the end 60,

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around junction 17.

1:13:18

So it's this, yes, it's this area here around where work number one is.

1:13:27

The order limits appears to include the curtilage of houses. Can you explain to us why these areas of land are required and why they're needed for operational land? I

1:13:54

i Thank you, Sir Richard Sterling, on behalf of the applicant, I believe in that location, it's a boundary issue. We're not including the curtilage of the houses

1:14:08

is national highways position.

1:14:15

Do, is it a drafting error on the plan, or is it, is that actually correct that it is including the curtilage of houses.

1:14:30

So Richard thurling, on behalf of the applicant, we think it's a mapping issue rather than

1:14:38

yeah from the baseline OS data,

1:14:42

rather than, you know, an error with the plan. In that context, it's a it's a proprietary issue. So we can, but I can set that out for for you in writing, if you could. Yes, that would be appreciated.

1:15:00

Is this likely to cause an issue with any compulsory acquisition request that you've made, if you are including the people's people's curtilage?

1:15:11

Sir Richard Thurling, on behalf of the applicant, no, because our firm position is that we're not including the curtilage of people's houses.

1:15:23

So if you could, when you're updating things, would it be possible to update the plans? Because at the moment, if you, if you zoom in even more, we've obviously looked on Google Maps, it, it's taking a garage or a shed, or it's going over quite a section of people's gas. I'm concerned that people will look at that and think that they'll be infected.

1:15:46

Thank you, mom. Richard Fanny, on behalf of the applicant, absolutely, we can take that point away and speak to those that have utilized that base data and combat with the written response

1:15:59

we've picked out this one area. But I know when you zoom in and you look at the planting details, there's a couple of other areas where the odd lines are slightly strained into other bits of land. And I agree, not in the book of reference, you compulsorily acquire these areas, but it could be confusing for people who look at that. I

1:16:25

thank you. Richard

1:16:27

Elling, on behalf of the applicant,

1:16:30

understand the point and the concern, I

1:16:34

suspect this was case, and the information has just been passed, was we think it might be a situation where, essentially, people have,

1:16:41

in an unauthorized fashion, extended the

1:16:46

curtilage,

1:16:48

and therefore the fault lies not with national highways. That point we will clarify Ireland

1:16:57

to take as well, to take that away and review those boundaries. Because, as you say, it's not just this one point that we've looked at this morning. You've said it's across the plan. So if we do that across the plans and address those specific instances, thank you. Yes, I'd appreciate that.

1:17:15

Okay, thank you for that.

1:17:18

Do berry council have any comments they wish to make on what just heard. Okay, thank you very much.

1:17:29

Okay, that brings an end to the articles included within the order I wish to discuss verbally today, but before we move on to next agenda item, are there any articles that parties consider should be included within the draft order that I haven't and

1:17:45

I will ask berry Council whether you've got any suggestions for any other articles that you've consider with your reading of the draft DCR so far.

1:17:57

Sir Pierre Smith for the council, may

1:18:02

I Okay. Thank you very much.

1:18:06

The time is coming up. That brings us to the end of item four. The time is coming up to 20 past 11. I think it might be worth now. This could be a good time to take a break. So what we would do is we will adjourn this hearing until 25 to 12. So it's 1135 and if anybody is online, if you could please, you'll have to refresh your browser to rejoin. So if you I think, you have to press the back button and then click on the link again for the live stream, and then you can be able to continue that. So this hearing is now adjourned until 25 to 12. So.