

TRANSCRIPT_M60SIMISTER_ISH1_SESSIO N2_120924

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00:05

Foreign Welcome back, everybody. The time is now 1135,

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and it's time for this hearing to resume. So now moving on to Item five, which is talking about the schedules within the draft DCO. And we're going to focus firstly on schedule one, which is the authorized development. So

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I'm going to turn to the applicant now for you to provide your

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speech on what schedule one includes in the works within it.

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Thank you, sir Phil Emerson, for the applicant.

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With reference to schedule one of the draft DCO, which describes the authorized development the first part of that schedule being numbered works. They describe the key feature of the scheme. In providing the following summary, we have sought to give an overview of the works as they appear numerically in schedule one, whilst also describing the new junction layout in a logical way such that this summary flows.

01:03

Given the agenda item requests a very brief overview. I'm not proposing to summarize each one of the 60 numbered works. I trust this is the intent of the agenda item. But of course, happy to be directed by examining authority, if you will. Just forgive me, I'm going to read very carefully from my script so I don't get my works eastbound and westbounds all mixed up.

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So it just takes a couple of minutes. So the works in schedule one are shown on the works plans examination library reference as 006,

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where appropriate, I'll refer to the relevant sheet numbers of those plans. Would it be helpful to have the works plans on screen, yeah, if you want to switch flip between the two plans as and when you need to, then that's fine, sure.

01:49

So works one and four are the East facing slip roads of junction 17 to and from the M 60 respectively. Work numbers two and three describe improvements the existing M 60 east and westbound carriageways between junctions 17 and 18. This is the widening of the carriageway from four lanes to five lanes in both directions and installation of a hard shoulder. These works are shown on sheet. One of the works plans,

02:12

the following works can be found on sheet. Two of the works plans,

02:16

work five is one of the more significant items in schedule one, being the M 60 eastbound to M 60 southbound interchange link. Interested parties engaged during the early development of the scheme may be familiar with this link being described as the northern loop, and this link provides critical additional capacity junction 18, removing circa 30,000 vehicles per day from the existing junction 18, circulatory carriageway, staying with the M 60 eastbound. Work nine is the realigned M 60 eastbound to M 66 northbound free flow link.

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Works 712, and 17 are the realigned slip roads which form the links between the M 60 northbound and M 60 westbound carriageways. Work seven is a new two lane free flow link which provides critical additional capacity again at junction 18. Works 2425 26 and 28 comprise improvements to the existing junction 18 circulatory carriageway and the entry and exits to that circulatory

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work. 23 is the real line slip road between the M 62 westbound and M 60 southbound works 18 and 22 and the improvements to the northbound and southbound carriageways, the M 60 and in the case of work 18, it includes the M 66 northbound.

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Work 22 can be found on sheet two and sheets three of the works plans and is the four lane carriageway which accommodates traffic traveling, traffic traveling south from the M 66 southbound and new in stage link or Northern loop. Work 18 can be found across sheets two, three and four of those work plans.

03:46

Work 30 is shown on sheets two, four and five of the works plans and describes the improvements the M 66 southbound carriageway. Work 39 is provided in combination with work 30 and is the new diverged link road to junction 18 from the M 66 southbound these works are designed to accommodate the new interchange link or Northern loop.

04:06

In addition to these mainline carriageway works, other permanent works are required to facilitate the scheme. These include additional permanent features, such as footpath diversions, maintenance accesses, environmental mitigation areas, attenuation ponds and statutory undertakers diversions. And finally, there are other temporary works which were required to deliver scheme. These include site compounds, temporary construction phase, Hall routes at the end of schedule one, there's a list of other works which might be required in order to carry out the main works which I've already described. These are largely ancillary to the main works, and include things like landscape and fencing, working sites, demolition, lighting, signing, etc.

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The Okay, thank you for that description,

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turning looking at work numbers five and 39

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so five being effectively the northern loop and 39

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for.

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And

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which was the slip road leading off the M 66 to the to the junction. They those works comprise structures in the form of pike for the viaduct and bridge.

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Could you explain why those work, those works haven't actually been listed in the work numbers, because they're quite extensive structures. I

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mean, the works are describing the carriageway feature. Suppose there'd be no reason why we couldn't add those to those particular works in schedule one.

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Okay, thank you. If you could take that away as an action point. Then to review the work numbers

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again, you mentioned before, particularly with work number two, you mentioned the number of lanes that were being formed.

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To add clarity to some of the work numbers

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you haven't included within the work numbers, what lanes have been proposed in terms of for fortify? Is there a particular reason for that with why they haven't been included?

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Sir Phil I said, for the applicant? The applicant? No, they could be added to the descriptions

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also. Okay, thank you. So yes, again, if we can ask that as an action point

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as well that would be useful. And just

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with that, just to go through the work numbers, just to check that they are incorporating

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all of the works that are included, given we've just seen that, there's a few more things that could have been added. So with your submission for that, if you could review that, that would be useful. So, yes, that's all right, Bill and simply applicant,

07:12

okay, I'll um before I discuss the list of works. In further development, has the council got any comments it wishes to make on the description of the work numbers and do they sufficiently cover what's proposed.

07:27

Thanks rose Smith for the council. No further comments.

07:38

Thank you very much.

07:40

Looking at the list of further development after work number 60,

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could the applicant explain why such a long list of works is required?

07:56

Thank you, sir. Tony Weston, for the applicant,

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the long list of works is fairly standard within most highways DCOs, so there is precedent for including such a long list of extensive works in practice. The reality is that obviously we can't identify all of the works in the works descriptions or on the plans. If we attempted to do so, then obviously the descriptions and the plans would be extensive and probably incomprehensible. So our preference is obviously to include that catch all at the end and to include anything that we think might happen to react to actually, obviously the realities of delivering a large scheme like this. So we've tried to be as comprehensive as possible so that people are quite clear about the extent of those works, while ensuring that there is that flexibility for us to react, particularly to the unforeseen. It's obviously worth mentioning too that at the moment, the scheme is at a preliminary design stage, and the detailed design will follow, and that will inevitably turn up more detailed works than we could show on a plan at this particular time, and that's the reason for it.

09:10

Okay, thanks. Thank you very much. There are some works I'd just like to point out and query why they're necessary. Could you explain? We've just talked about the viaducts and bridges, and you've included them in paragraph D, do they really need to be in the further development? And if so, why

09:33

Tony Weston for the applicant? I think it comes down to the point that we've just mentioned really, which is, at present, those are not mentioned in their works descriptions, so it makes sense to include them in the catch all description at the end. But if we were to amend the works descriptions to include them, then we could obviously look again at the wording in the the longest of works. I think the only thing, My only caveat to that, would be, obviously, sometimes, you know.

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There can be bridges

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which are affected by the works, kind of which only become apparent at the detailed design stage. So sometimes it is difficult to be exhaustive and provide a complete list. And again, that kind of goes to that flexibility point that I've previously mentioned, and that's why, why? Why we cover off that wording in that piece? It's also we're saying, obviously aqueducts bridges can be quite big and they can be quite small as well. And sometimes, actually, that this wording is more intended to kind of capture those small structures, which might not be as obvious as the schemes developed.

10:35

Okay, so it is for smaller structures that may be needed as part of the highway works that you're that you're proposing, and presumably any alterations to his existing bridges or structures? Yes.

10:50

Okay, so yeah, if you could just review that wording, just to see that that's actually clear, because I wasn't sure whether it was extending further to more comprehensive structures. But I think no, that's

not in the intention any significant works are identified in the works packages in schedule one. This is really intended to cover off the more minor for see unforeseen works that might be required.

11:18

Can I just clarify in terms of the pipe fold viaduct and the pipe fold bridge, they are quite major structures. What's the reason behind them not having their own individual works? Number

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Penny Western for the applicant. I don't know the answer to that. I'll look to my colleagues, but I suspect that's probably something that we could take away. I think the reality is that perhaps the works descriptions focus primarily on the works to the carriageway and the motorway itself. So maybe we've just assumed that it's implicit that there will be an impact on, you know, those structures will be delivered as part of those works. But I take away, I appreciate your comment, and I think we'll just go away and look at the works descriptions and make it very clear. Thank you. Thanks. APPLAUSE.

12:03

The only other

12:06

paragraph that I'd like to query is paragraph G, which allows for works to alter the course of otherwise interfere with the water course. I haven't seen any provisions within the draft order that requires you to either obtain permits to undertake these works or disapplying any legislative provisions, such as in the land drainage act. So could you actually undertake these works,

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or would you need to seek consents from other discharging authorities such as the Environment Agency?

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Phil omission for the applicant. So there are some works which refer to attenuation ponds and their outfalls into perhaps ordinary watercourses, when we say, interfere with the water course, or watercourses the full cross section, if you like, to top a bank. So in forming a new outfall,

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arguably it interferes with laws for water costs, and so that's why it's covering off the general works around those areas.

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Okay, but with that, would you also need any permits from other discharging authorities to do those works? Yes, and so they're outlined in the consent agreements position statement. Position statement, okay, thank you, Finlay,

13:37

thank you. We did think that the Environment Agency were going to be here, and we were going to clarify with them on this. This point as well, but in the absence of that, then we will add that as an action point, which we will do to get a response from them on what you've just explained to us.

13:55

So thank you. Before I move on to the actual requirements, I will ask Berry Council whether you have any comments you wish to make on the scope of the further works that are listed. Okay, that's a no,

14:12

okay. So moving on to requirement one.

14:21

What I want to ask here is the definition of interpretation. So as drafted, the definition carves out a number of works or other operations from comprising commencement of the development, which effectively means that the works and operations specifically included within the definition can take place having to submit details which are required in other requirements, such as the second iteration environmental management plan, the archeological written scheme of investigation, or the traffic management plan.

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I appreciate this is not an unusual provision in DCOs, and I can understand the need to exclude the works.

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Are associated with required surveys or investigations required as part of proposed mitigation measures.

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I do have some queries on some of the works and operations listed. So could the applicant provide justification as to why it's reasonable to include erection of any temporary means of enclosure, erection of construction plant and treatment of invasive species within this.

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Tony Weston, for the applicant, as you've already alluded to, this is a fairly standard provision within development consent orders, and the wording that we've used is consistent with other made DCOs. And I think we've referred we can refer to that. And that and provide you with examples, if that would assist. All of the works that are listed are generally considered to be minor preliminary works, so quite minor operations, which are carried out at an early stage of the commencement of the works proper in order to kind of make ready the site and allow the proper works to commence in due course, most of the works are also works that you could undertake without planning permission. And again, that's another reason why those works can commence in advance. Are things like sign off of the second iteration, or some of the other plans which go alongside that.

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Okay, thank you. How does that sit,

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particularly in respect of the invasive species? Works, because

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in your requirements, you are particularly requiring for D, Part V, it requires an invasive species plan to be included in the second iteration. EMP would including invasive species, for example, mean that you could actually undertake those works without actually doing the

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management plan that you've set out in the other requirements. So

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uh, Tony Weston for the applicant, um, having re read the wording, yes, it could.

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Okay. So in that case, then,

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does the need to, does the need to be some redrafting to this, to require some compliance with if there's any of these works that need compliance with other management plans, whether that needs to be more accurately defined, yes, I agree. I take that point away, and we'll include it in the revised draft DCO that we submit a deadline one, okay, thank you.

17:55

And is that also similar as well for the archeological investigation. So if you are to be doing construction plans, you need to also include other management plans within that as well, in addition to the invasive species plan. Tony Weston for the applicant, potentially, yes. So again, we'll take that one away and review it, if it would assist, just because you might be coming on to it next in the definition of commence, it talks about remedial work in respect of any contamination or other adverse ground conditions. And we are obviously having extensive discussions with the Environment Agency, and they've raised a point around this as well. So we have agreed to remove the reference to the remedial works from the definition of commence if

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Okay, thank you for that, that clarification. So yes, if you can submit that for the deadline one that would be, that would be great, as the

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council got any comments they wish to make on further development. Okay, thank you.

19:01

No. Move on to detailed design requirement three,

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and it would be helpful here, if you could display the general arrangement plans.

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Okay, in general, I'd just like you to explain and clarify which aspects of the proposed development this requirement would actually cover.

19:38

Apologies, sir Tony Weston, for the applicant, could you confirm exactly what you mean? I mean, the intention is that the requirement would cover all of the works. Is that the answer you seek? Yeah, so is it? Is it? Is it all of the work numbers, or only parts of it that aren't covered by details required by other requirements? It's all of the works. So it's all of the works. Okay, so in that.

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Case, could you explain why it's been drafted? It's not requiring approval from any discharging authorities,

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because the way it's worded is effectively, it would allow you to design in detail so that it's compatible with the preliminary scheme design unless otherwise agreed in writing. Yes, so is so is there any reason why you haven't included a requirement that a discharging authority should look at what you're proposing first and confirm whether they agree with it or not? Tony Weston for the applicant, the that is the position. So the assumption is that yes, we will do we will design all of the works in accordance with those drawings which are referenced in that requirement. If we want to deviate from those drawings, then we do need secretary of state approval. But there is no requirement for the detailed design to be signed off or discharged by any particular authority, and that is a standard provision in made, many made DCOs and yeah, has been adopted widely. Has been an acceptable approach.

21:17

Okay, so could you explain to me why you think that approach would be reasonable for the proposed bridges, structures which the documents actually acknowledge would have moderate adverse effects and would be quite visually prominent. So could you explain to me why you think that approach would be reasonable for those structures? I appreciate it's been used on other orders. There may well be reasons for that, but obviously this scheme in front of us has some quite extensive structure. So I'd be interested to hear why you think it's reasonable to take that approach.

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Tony Weston for the applicant, I suspect that's a question that we would want to take away and speak to technical colleagues about who have obviously been involved in looking at those structures in detail, I think the starting point for our response would be that these are going to be significant structures, yes, but they will be built in accordance with the usual standards for works undertaken on the strategic road network, so there will be consistency and a precedent, I suspect, created by those so that inevitably, you know that will give clear indication of what those structures are expected to look like. And I know

that we have provided some scheme visualizations to try and illustrate what they will look like, but in terms of providing more clarity within the DCO or within the other application documents, we can certainly take that away and come back to provide further explanation.

22:50

Okay, that's that's fine. So we'll have a as an action point to clarify

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more the scope of requirement three, and particularly the viaducts, because the scheme designs, effectively the general arrangement plans and the engineering section drawings actually states the scheme design shown are illustrative only and will be subject to change as part of detailed design development. And as you said before, it is a preliminary screen. So is there a tension there? And can the two coexist? If you've got a requirement that saying it has to be compatible with the plans. But then, on the other hand, it's saying the plans are same, but they're subject to detailed design and will be subject to change. So is there retention there

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Tony Weston for the applicant? Potentially, yes, but I think again, we'll take that away and consider it.

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There is reference, obviously, to the design of the structures in other application documents. And it may be that we just need to pull those threads together to provide that kind of those parameters for the how the structures will be delivered, so that we don't deviate too far from the preliminary design, which might not be referenced on those plans, but was probably explained in other application documents.

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And I think going back to our discussion on the significant adverse effects we had earlier, and where I have some concerns with the use of that wording is, could you have, for example,

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flexibility for a scheme that could look entirely different with the plans in terms of its lay on appearance, as long as that change is not an significant adverse effect. And that's where I'm I'd like some sort of explanation, particularly with dividers and bridges, as to how that could be interpreted, because you can have in sort of under the tamkunji prime actually you can have was whether something's material change or not,

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but you're seeking something that's saying significant adverse change. So I'm wondering how much scope using significant adverse effects in this requirement, how much extra scope that could be given?

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You.

25:02

Tony Weston, for the applicant, again, I think in terms of the scope it gives us, in terms of the works generally, that is limited, but I appreciate what you're saying about the viaducts and the structures. So again, we'll take that one away and we'll pick it up in our response on that particular point.

25:25

Okay.

25:26

Thank you very much.

25:30

Has the council got any comments it would like to make on the wording in this requirement, given that you would be a consultee with any scheme that was to be submitted.

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Thanks. Pierce Rodney Smith for the council, so I appreciate some more work might be done or consideration the wording in principle the council then of concerns with the approach set out there, we're comfortable with it.

26:00

Okay? Thank you very much.

26:05

I'll now move on to requirement four, which is the environmental management plan.

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And I'll just set a sort of a brief introduction as to what this is, particularly for any interested parties who might be interested in what this is seeking. So this requirement sets out the process for securing environmental mitigation measures specified in the first Environmental Management Plan,

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which is reference, A, P, P, 127, and the accompany appendices as part of the construction, operation and maintenance of the proposed development. So as such, it's an important requirement in terms of providing environmental protection to receptors, including residents in the local area.

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The first thing I'd like to raise on this article is just discuss the structure of it.

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Paragraph one, my question is to the applicant, is this first paragraph necessary? And should paragraph four, which actually requires

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no part of the authorized development is to convince until a second iteration EMP

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has been submitted. Should that actually be moved up so that it's actually at the top of the requirement because you've already done the first iteration environmental management plan before construction committees, you need to do the second one. So my first question is, should that be reworded, that that actually comes at the top of the requirement

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Tony Weston for the applicant? I think that's

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something that we could take away and have a look at my initial response is possibly not. Because actually,

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although the first iteration EMP will be superseded by the second, there is quite a lot of information in the first iteration. And going back to our discussion earlier, around the definition of commence, obviously, we are carrying out some works in advance of the second iteration amp being signed off. So it kind of makes sense that then you would carry out those early works in accordance with the first iteration amp. And that really does provide the route map forward to delivering not only the second iteration, but the development as a whole. So I can see the benefits of leaving that wording in

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Yes, and based on what you said, Could it link more to, particularly with some of those definitions in commence, where there's actually a requirement there to undertake some mitigation measures? Is there actually? Could it be more explicitly reference of the link between the two? Potentially Yes, and we could take that away to have a look. Okay? Thank you very much.

28:47

So as drafted, paragraph 3c, contains a wide range of activities where they could be carried outside of the hours specified in the register of environmental actions and commitments, which is document, A, P, P, dash, 127, or the React for short, and that's during periods, seven o'clock to seven o'clock, Monday to Fridays, and seven o'clock to one o'clock on Saturdays. And can the X, can the applicant explain why it requires the extensive work set out outside of these hours and why this is reasonable.

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Tony Weston, for the applicants,

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the list is required on for a number of reasons. Firstly, some of these works are quite minor works and will have low impacts, so there's no reason why they couldn't be carried out outside of the permitted hours, because the impact of them is going to be limited.

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Secondly, some of these works are kind of preliminary works, in order to facilitate the main works, which will then be carried out in in within the permitted hours. So, for instance, things like traffic.

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Management, which is routinely carried out outside hours.

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The third reason is that some of these more extensive works, or significant works, for instance, demolition, the reason for carrying them out outside hours is perhaps because it makes more sense to carry out those works during the night, for instance, because of the impacts of them, or the need to close the motorway or reduce the lanes or to close the local roads, and that's why the list is extensive.

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Obviously, all of those will be considered case by case,

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and they have been assessed in the environmental statement and taken into account in terms of the works as well. There is a connection with the outline traffic management plan, so some of these works will be regulated and be delivered in accordance with that outline traffic management plan, which will also be approved.

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31:04

Okay, so you've mentioned the minor works and the demolition during the night, and I can understand that for me from a traffic management perspective, but you've got construction of new structures. Why would you need to do those outside of the hours specified?

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Again, it could be that actually it makes more sense to do those at night. So we were talking about, you know, viaducts or bridges. Again, some of those works do require road closures, and it makes more sense to do those outside permitted hours in in the night.

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So it will be case by case, but we're just trying to obviously provide as much flexibility as we can so that we can deliver those works in an optimal way which is going to reduce the impact on on people using the motorway and also on the local community also,

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okay, so based on what you've said,

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You've got one of the viaducts which is going to be quite close to properties, particularly to northwest of the junction, what reassurance can you provide of any impacts to those properties? Because the way this is worded, you could be constructing that viaduct, from my understanding, 24 hours a day, seven days a week.

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Could you explain a bit more as to how that would be reasonable, and if it is, then why?

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Tony Weston for the applicant, I think I would probably need to take that away in terms of understanding what the actual intention is with the viaduct. So you know what the construction program is likely to be when those works are likely to be carried out. Ultimately,

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you know, there is no the decision to carry out work outside those hours, particularly at night, is not a decision that's taken lightly by the applicant,

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but ultimately, if it is taken it's done for good reasons, because it may be that actually carrying out those works in the night over a short period is less harmful than carrying out those works. You know, every day for weeks on end, because perhaps during the day you can only reduce the lanes on the motorway, whereas at night, you might be able to permit more wide and extensive closures.

33:17

But if you would like further detail about kind of the actual intention there of what those work, when those works might be undertaken, then we can provide that.

33:25

I think we would definitely like some more clarity on the scope of what could be included, because it does appear that it's quite wide range in what you're proposing at the minute, and piling works as well. And the other part is, you've, you've said under

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x i, sub paragraph, x i, the use of compounds to facilitate off peak working you just elaborate a bit more what you mean by use of compounds. And the reason I asked that is because it's quite close to residential properties. So it's, does that need to be more precise as to what you mean by use of compounds?

34:00

Tony Weston, for the applicant. The reference is intended to mean that, going back to the example I used about nighttime working, obviously, in order to do any work, whether it's at night or not, you do need to use the compounds. Materials will be stored there, vehicles will be coming and going. So the reference there is to using the compounds to allow off peak working, which is effectively, again, going

back to that kind of evening, weekend, night working is inevitable that the compounds will need to be used at the same time.

34:33

Okay, I understand that, but is there any where that it could be more precise as to what the use could use that's reasonable and for what you need or you would need, but also that wouldn't be potentially having a detrimental effect on on residents. Is there somewhere where that could be more explicitly defined in terms of what the use could use and what it wouldn't include? Yes, and the place for that would be.

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In the second iteration, and,

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okay, I will now turn to bury council for comments on the discussion. So I'd be interested in what your opinions are on the scope of works included in this requirement, and also the responses of what you've heard from the applicant. Yeah, thanks. Piers Riley Smith for the council, whilst having made sure to take instructions from my team as to it, we are satisfied for the reasons set out as the appropriateness of including the scope of these or the ability, I should say, within the second iteration of the MP to allow for those works to occur outside of the working hours. Obviously, the MP must also reflect mitigation measures and sensitive environmental features, but so we are content with that scope.

36:01

Thank you. Just before we move on, I just want to clarify the relationship between what's stated in the REAC and what's in the

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requirements. So I'll get the reference number so it's actually on page 22 of the REAC,

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which is document, reference A, P, P, 127,

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I'm interested in

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reference g4, which sets the hours of operation, and it states In the daytime, you have weekdays, seven o'clock to nine, seven o'clock to seven o'clock and Saturday, seven o'clock till one o'clock, which is what it states in the requirement. But then it also includes provision for evening and nighttime working on Mondays to Saturday, between seven o'clock at night and seven o'clock in the morning. Does that mean this is actually giving you 24 hours working seven days a week, the way that this is worded?

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Tony Weston for the applicant, yes, potentially it does,

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if it assists. Just to go back to an earlier point that my colleague has just reminded me that chapter two of the ES does contain quite a detailed program, setting out the timing and delivery of the scheme in terms of

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kind of the program and what nighttime working and other daytime working is proposed. It also sets out more details around the use of the site compounds,

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but I will include the references in our written submissions so that you've got them.

37:51

Okay, thank you for that applause.

38:08

The only last point that I'd like to make on requirement for

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and it relates to paragraph X IV,

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which basically says, as otherwise agreed by the local authority in advance, in terms of the works that you can that you could potentially do.

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What's this supposed to cover? Does it and what method of agreement would that involve? Does it need to be more accurately defined? I

38:43

uh Tony Weston, for the applicant, it's intended to reflect the commitments in the REAC, which is to allow flexibility for us to agree with berry council that overworks could be undertaken outside ours. And I think that is reflected in the commitment that you took me to g4 of the React,

39:09

okay, but I was wanting to see or hear whether that is actually accurately defined in terms of what the agreement needs to be. Does it need to be in writing? Could it be verbally,

39:22

the way it's drafted at the moment, it could be verbally or in writing. So does it need to be a bit more formal or not? I think that's probably one that we'll take away and discuss with Barry as to what they would prefer, and then we could include that in the updated draft. DCO,

39:39

that's fine. We'll add as an action point for the two parties to agree the method, what the method of agreement is and whether it can be more accurately defined in the draft order. Okay.

39:54

Okay, I'll move on to requirement six now. Um.

40:01

I'd just like the applicant to explain the difference between what this requirement is intended to cover so it's labeled, it's entitled contaminated land and groundwater. At the moment,

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I'd like you to explain the difference between what this requirement is intended to cover from that required in the second iteration Environmental Management Plan, which is required in requirement for and particularly the need for a contaminated land management plan in requirements. So it's

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paragraph 3d part x of the requirement. So what? What's the difference between the two requirements and what they're both intended to do.

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Thank you, sir. Tony Weston, for the applicant. So requirement for d

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x requires a contaminated land management plan to be submitted and approved as part of the second iteration, and that will reflect the contamination which has been identified as part of the environmental statement, so it will be in accordance with it.

41:11

Requirement six, on the other hand, is intended to deal with any contamination which might be discovered after the works commence. So it's unforeseen unknown contamination, so it allows us to react effectively, and provides that check and balance that if we discover unexpected contamination not previously identified, then we'll be able to deal with it in the way that's set out in requirement six.

41:38

Okay, then so for precision, should the title be changed to previously unidentified, contaminated land and groundwater? Would that make it clearer for what the distinction is? If that's what it's actually intending to set out and deliver,

41:53

the heading is consistent with other made DCOs, but I have no objection to amending it in that way. If that would provide clarification.

42:08

Thank you. So in sub paragraph one of requirement six, as drafted, there appears to be nothing to stop construction where it's continuing if unexpected contamination is found, can you explain why this is appropriate? Or should there be a requirement for construction to cease if contamination is identified?

42:30

Tony Western, for the applicant, your reading of the requirement is correct. It does allow works to commence to continue if contamination is identified. But in practice, obviously, we are obliged to abide by the second iteration, and that does also deal, I believe, with unexpected contamination being identified.

42:54

So although works could commence, could continue, we wouldn't be able to do so in a way which would worsen the impacts of the contamination that we have identified. So it might be that the wider works are able to continue, but actually, you know, the issue that's been identified, we would pause and address that before proceeding with those particular works.

43:20

Okay, would that actually be secured, though, because requirement six doesn't make any reference to compliance with this second iteration environmental management

43:30

plan under this requirement, it doesn't specifically require it, but we are still so requirement four and six would have to be read alongside each other, and we would still, at all times, be bound by the second iteration M, and

43:43

the contaminated land management plan that's approved as a second is approved as part of second iteration M will deal with unexpected contamination, which is identified after works have commenced,

43:57

and what, what we would do in that situation, that if it was identified.

44:04

Okay, so you don't feel that there should be any reference to that in requirements six, in order to make sure that is that would be properly secured. I don't see the need for it, but I can take it away and have a look at it.

44:22

Okay? That's all the question I have for the applicant. So I'd like to ask bury Council whether you have any comments on this particular requirement.

44:31

Okay,

44:33

so we'll just add as an action point for you to review the wording around

44:39

stopping works in the event of any unidentified contamination. I.

45:02

Moving on to requirement eight, surface and foul water drainage,

45:11

Chapter Nine of appendix 13.7, of the environmental statement, which is the drainage strategy report. It outlines the maintenance operation, where it is stated that this would fall under the highways authority responsibility.

45:28

Table 9.1

45:30

of that document states that the applicant would adopt ownership of catchment and in the absence of any reference to maintenance in the crime is drafted. Could the applicant advise how the maintenance measures listed in Section 9.2 would be secured? The

46:07

Hi, Tony Westen, for the applicant. It may be something that I'll need to take away to take a full description, but my reading of the chapter just very quickly there is that ultimately it's part of the wider strategic road network. So national highways is taking responsibility for it and will manage it in accordance with its usual management and maintenance regime for its wider network, which obviously includes highway drainage.

46:33

That's my understanding.

46:41

Okay, thank you. So, yes, if you could take that away and just explain to us in a bit more detail how the maintenance set out in that is actually secured within the requirement, then that would

46:54

would be useful.

47:02

Because if you look at requirement five, for example, in the landscaping, you actually have maintenance explicitly listed within there.

47:10

So is there any reason why it can't be listed within requirement eight? Just to make it absolutely clear and also consistent with your other requirements, I

47:31

Tony Weston for the applicant again, I think I'll just have to take that one away. I don't know the exact reason why it would be different, but certainly something we can look at. Okay, thank you.

47:45

That brings an

47:48

end to the requirements included within schedule two, the draft order that I wish to discuss verbally today, but before move on, I just want to discuss with parties whether there are any requirements that should be included within draft order that haven't so I'll ask that in a second. But before I do, can I just clarify with the applicant how the consultation with statutory parties as stated is intended to work? Is the Secretary of State required to do this, or is the undertaker required to do this before submitting an application to the Secretary of State. So this is effectively looking at requirements 12 and 13.

48:26

Sorry, Tony Weston for the applicant, and it's the second one that you mentioned, which is that the undertaker will undertake the consultation. They will then prepare a pack, including all of the consultation responses which will be submitted to the Secretary of State for him to then review and sign off.

48:46

Okay. Does that need to be does the process for that need to be more accurately identified within the requirement of how that's going to work? So some orders, for example, will have details of consultation set out. Do you need to include a similar thing, our requirement within this order, that it's clear to parties how that you're intending to do the consultation and any time scales, for example, of responses,

49:14

I think that's something I'll take away. Certainly, the wording that we've used has precedent in other DCOs, and that's commonly how it has worked in practice. But if there is more precise or clearer wording which has been unused on other DCOs, then we can review that and see whether we can incorporate it into the order.

49:38

Okay, thank you for that.

49:42

So I'll ask bury Council. Have you got any comments on the requirements and whether there's any that should be included? So far that you've seen that should be included?

49:53

Face piers. Riley Smith for the council. And no, sir, no further thoughts on other requirements. I.

50:02

Okay. Thank you very much. So that now turns to item six, which is the protective provision. So as currently drafted, schedule nine of the draft DCO contains generic protected provisions for the benefit of the protection of electricity, gas, water and sewage, undertakers, which is in part one, the protection of operators of electronic communications, code network operators in part two, and a specific provision for the protection of cadent gas in part three. And I know that we've had various representations from parties and requests that this schedule should contain bespoke protected provisions for the benefit of national grid electricity transmission, United Utilities, water, limited and cadent gas. Regarding the protected provisions in part three, turning first to national grid electricity transmission, could the

51:00

applicant provide an update on those discussions and confirm if a protective provision is going to be inserted, and if so, when.

51:11

Thank you. Sir Richard thurling, on behalf of the applicant in terms of national grid, yet the applicant has met with technical leads and

51:21

has been discussed discussing the interactions between the

51:26

scheme and national grids assets. We're also in touch with legal advisors and and discussing the scope and the need for any specific protective provisions in favor of National Grid.

51:43

I'm sure you'll be aware that there have been such provisions included in other DCOs. National Highways has a good working relationship with with National Grid, and that there are templates for these things. They're currently being reviewed, and some, my expectation is that there will be specific provisions added in favor of national grid.

52:08

But we, we're just in the process of discussing the scope of those.

52:13

We will add those in at a suitable time when they're they're agreed. I'm only I've not committed deliberately to Deadline one because I don't think they'll be in there then, but I would hope

52:30

at a deadline

52:32

shortly there thereafter.

52:35

I naturally would rather not be pinned down to giving you a precise deadline, but there is obviously an update that you've asked for at deadline one in terms of statutory undertakers, and I'll endeavor to include an indication then in writing.

52:51

Okay, that's that's a helpful update. I think what we are really

52:56

interested in is whether it would be agreed by the end or the close of the examination.

53:04

So Richard Thuring, on behalf of the applicant, yes, I would fully expect a set of agreed protective provisions to be included in the order in favor of National Grid before the end of the examination. I would like to think well before the end of the examination, as I say, we're in touch with their legal advisors, and we'll continue to discuss that now,

53:29

as I say, I'll endeavor to give you a more advanced, substantive update in writing at deadline one.

53:37

Okay, thank you. And also, the same with United Utilities, if you could find an update on where you're at with discussions with with them.

53:45

Thank you, Sir Richard, on behalf of the applicant, essentially said that the position is very similar to that with with National Grid. We've had discussions with technical leads regarding the interactions of assets. I don't believe there have been

54:06

major concerns identified as part of that, but we are, of course, aware of the representation that's been submitted seeking to progress protective visions. Again, national highways is familiar with such interactions with United Utilities from other orders that have been made and had such interactions.

54:27

So we just need to discuss with them and their appointed legal team the precise nature and scope of those

54:38

there's a strong likelihood

54:41

if if specific protective provisions are required in favor of United Utilities, then there are, there is, of course, already something of a template

54:52

that will be adopted and followed

54:57

and sorry in anticipation that I had.

55:00

Covered your next question.

55:03

Again, we'd fully expect the position to be resolved and confirmed to you before the end of the examination.

55:13

Thank you very much. And the final update with regards to cutting gas and health discussions are ongoing.

55:20

Thank you, sir again. Richard telling on behalf of the app, behalf of the applicant, yes, as you pointed out, there are already a set of protected provisions specifically included for for cadent gas.

55:33

Those provisions follow again, the form of

55:37

that has been agreed previously with them on recently made orders. So that seemed a sensible starting point for discussions. Again, we're in touch with their

55:49

technical leads and discuss the interactions, and we're also in touch with their legal representatives to conclude and settle the wording. There may be some

56:02

minor adjustments needed to the protective visions that already appear, but I wouldn't expect those to change significantly, because, as I say, they do represent those that have been they do follow the form. They've recently been approved in other orders and agreed with Kate, and guess so again, I would fully expect that to be completed before the end of the examination, and I'll include that as part of any further progress, as part of the written update at deadline one.

56:33

Thank you for that update. We've

56:37

noted that there are a number of other statutory undertakers who you are engaged with, albeit these undertakers are not submitted an objection into the examination. Can you advise whether we can expect any additional protective provisions to be inserted into the draft DCO to accommodate these undertakers? Thank you, Sir Richard felling, on behalf of the applicant, there are none that we are expecting at the present time, obviously that position were to change or be updated, then I can let you know, but not aware of any further ones at this time.

57:11

Okay, that's fine. One, one query we would have is we've noticed that the Metro link line goes over the M 60.

57:20

It is within the order limit. Is there any likelihood that this, that whether it's Network Rail or the local Metrolink operator, is there any possibility that could be needed to have protective provisions with those

57:35

Thank you, sir. Richard Elling, on behalf of the applicant, we're not aware of a request for any due to interactions between the scheme and their assets. Can advise that we understand that that's that would be a matter progressed with TfGM transport for Greater Manchester. We are engaged with them and in discussion with them,

57:59

and sort of just bearing just bearing a

58:07

moment so but as far as my we haven't had a request, and we're not expecting, at this moment time, to require the need for protective provisions in their favor.

58:18

Could I just ask that we get an update in terms of those discussions for deadline. One should be useful to know what was being discussed and what issues there were.

58:34

Thank you. Ma'am Richard, standing on behalf of the applicant in answer to your question, yes, of course. So we can include something in writing a deadline one on that point specifically for them. I was just being advised that

58:49

we believe the position largely reflects the fact that we've had good engagement with them today

58:55

to date, sorry and

58:58

and that we actually amended the scheme to take on board some their concerns, so we believe they're now adequately addressed,

59:06

but we will obviously endeavor to provide that written confirmation as requested.

59:20

Okay, thank you for that update. And as I'm sure you're aware, if there's any outstanding objections to protected provisions at the end of the examination, obviously section 127, and 138, of the Act would be engaged. So obviously, if you can get those resolved by the end, then that would obviously be very welcome.

59:39

Okay, I'll move on to item seven. So

59:43

it is consents, licenses and other agreements. Yesterday, at the preliminary meeting, you helpfully provided an update regarding the letter of known impediment received from Natural England.

59:55

Could you provide us an update on the progress and timescales for completion of a.

1:00:00

And the other consents licenses agreement set out in the consent agreements position statement, which is examination Library Reference, A, P, P, 016, and particularly, whether, if there's any further consents that need to be agreed by the close of the examination.

1:00:18

Tony Weston, for the applicant, and I can update that there are no further updates to the document, because in reality, all of those consents that other than the Badger license, that are identified in that document, are all post consent activities. So there's no need for anything further in respect of them, until after the GCo is granted.

1:00:42

Did you say other than the badger? Yeah, other than sorry, the letter of no impediment. So that was the only one that was outstanding that need to be provided before the end of the examination, and that was provided, that was granted on the second of July, and we'll provide a copy at deadline one. So yeah, so you're nothing else outstanding. Okay, thank you very much for that clarification. My question to I've got a question for very Council. The applicant has stated in its submissions that it does not anticipate a section 106 planning obligation being required based on what you've read so far. Is this something that you would concur with? Do

1:01:23

uh Faust appears, Riley Smith for the council, getting very firm nods from behind me, says that that is opposition.

1:01:31

Okay, that that's a useful update. And just to for the point that if it does transpire that one is required, unlike a planning application where it can be minded to approve, subject to completion. Obviously, for national infrastructure, any league planning obligation that may be required has to be signed and completed for us to be ordered to take it into account. So just want to just make that clear on the record early in the examination, that if it transpires that one requires, then there would have to be an expedient conclusion to it so but thank you for your update. I appreciate you'll be providing further submissions deadline one anyway.

1:02:15

Don't think anybody else will want to raise anything else on this agenda item, because there's no parties online and and in the room

1:02:23

who this would relate to. So I'll move on to Item eight, any other business. We haven't been notified that anyone wishes to raise any other business. But before we close, can I just check whether there are any other matters that anybody wishes to raise

1:02:39

nothing

1:02:40

from the applicant. Okay, well, I just want to thank and take this opportunity to thank everyone for your participation today, and I'll now hand over to Miss Holmes to deal with the remaining items on the agenda.

1:02:54

Thank you. So given the number of action points, I'm not going to go through this in detail now. We'll publish them as soon as possible on the NI website, so probably the next day or two, because

1:03:05

there's no other items in the hearings. I just want to remind everyone that we need post hearing documents or submissions on or before deadline, one, which is currently set for the 24th of September, the recording of this hearing will be put on the inspectors website as soon as possible. And yeah, before I close, just like to thank everyone for their participation in this hearing. The time is now 1238, and this issue specific hearing on the draft development consent order for the proposed M 60 M, 60 2m 66 so Mr. Anne's Interchange project is now closed. You.