

WEBVTT – This file was automatically generated by VIMEO

0

00:00:00.810 --> 00:00:04.980

Well, good afternoon everybody. It's now half past two. Um,

1

00:00:07.240 --> 00:00:09.700

and this issue, specific hearing issue,

2

00:00:09.940 --> 00:00:14.340

specific hearing one in relation to the application made by associated British

3

00:00:14.550 --> 00:00:19.140

ports for the proposed Ingham East R0 terminal is now open.

4

00:00:20.120 --> 00:00:23.900

Uh, Ms. Robbins, can you confirm that live stream of the event is running?

5

00:00:24.720 --> 00:00:25.553

Yes. Yep.

6

00:00:27.050 --> 00:00:29.750

Um, can everybody in the room hear me?

7

00:00:31.410 --> 00:00:32.243

Yep.

8

00:00:34.080 --> 00:00:35.500

Uh, my name is Graham Gould.

9

00:00:35.560 --> 00:00:38.820

I'm a charter down planner and I'm an examine inspector with the planning

10

00:00:38.820 --> 00:00:39.653

inspector.

11

00:00:40.010 --> 00:00:44.100

I've been appointed by the Secretary of State to be the lead member of the panel

12

00:00:44.110 --> 00:00:48.140

comprising the examining authority that will be examining the,

13

00:00:48.500 --> 00:00:53.330

examining this application. Now,

14

00:00:53.330 --> 00:00:56.050

I'll ask my colleagues to introduce themselves, Mr. Bradley.

15

00:00:58.070 --> 00:01:02.090

My name is Steven Bradley. I'm an examining inspector and a member of this, uh,

16

00:01:02.690 --> 00:01:03.523

examining authority

17

00:01:07.620 --> 00:01:10.410

sound team. I'm not quite sure what this, uh, buzzing is.

18

00:01:21.380 --> 00:01:23.130

Soundcheck? No, it's not the camera.

19

00:01:34.310 --> 00:01:37.930

Uh, whilst we're waiting for the technology, um, uh, good afternoon.

20

00:01:38.190 --> 00:01:39.330

My name is Mark Harrison.

21

00:01:39.990 --> 00:01:43.210

I'm a chartered town planner and an examining inspector.

22

00:01:43.880 --> 00:01:46.930

I've also been appointed as a panel member of the xa.

23

00:01:54.790 --> 00:01:57.980

Thank you. At this point, I'd also like to introduce, um,

24

00:01:58.000 --> 00:02:01.740

the members of the planning specialist case team who are supporting us today.

25

00:02:02.440 --> 00:02:07.180

You may have already spoken with, uh, Ms. Lily Robbins, who's the case manager,

26

00:02:08.360 --> 00:02:12.300

uh, and Spencer Barman, who's a case officer here this afternoon. In addition,

27

00:02:12.560 --> 00:02:16.900

um, there are, uh, two sound technicians, stroke visual, um,

28

00:02:18.010 --> 00:02:19.900

tech, audio visual technicians here.

29

00:02:20.410 --> 00:02:24.340

They are assisting with the broadcast of the live stream,

30

00:02:25.280 --> 00:02:27.140

um, and also, um,

31

00:02:27.400 --> 00:02:32.340

the management of anybody that's participating online. Um,

32

00:02:32.760 --> 00:02:35.860

if at any stage you see us talking to either those gentlemen,

33

00:02:35.910 --> 00:02:40.180

it'll purely be in relation to technical matters. Uh, and that is all.

34

00:03:13.170 --> 00:03:14.480

Sound check. Sound check.

35

00:03:18.920 --> 00:03:19.970

Okay. Sound check now.

36

00:03:20.630 --> 00:03:21.463

Yes.

37

00:03:41.810 --> 00:03:44.080

Sound check again. Yes. Thank you very much.

38

00:03:50.840 --> 00:03:55.060

Uh, before we move on to discuss the agenda items, um,

39

00:03:55.070 --> 00:03:58.580

there are a few housekeeping matters. Um,

40

00:03:58.880 --> 00:04:01.100

I'm afraid this is gonna get a little bit repetitive.

41

00:04:01.420 --> 00:04:04.340

I went through most of these this morning, but of course, we,

42

00:04:04.620 --> 00:04:08.380

I think we do have, um, the Environment Agency online this afternoon.

43

00:04:09.320 --> 00:04:12.580

I'm not sure whether there's anybody sitting at tables who are different,

44

00:04:12.580 --> 00:04:16.420

but anyway, I'll try and keep it as brief as possible if you would bear with me,

45

00:04:16.560 --> 00:04:19.180

um, if you've kind of heard some of this before,

46

00:04:22.800 --> 00:04:27.300

uh, toilets are to our right or my right through the door. Um,

47

00:04:27.400 --> 00:04:29.940

if the fire alarm should sound, uh,

48

00:04:30.040 --> 00:04:34.380

we will have to evacuate because there are no tests planned for today. Uh,

49

00:04:34.440 --> 00:04:37.820

we should gather out in the car part and then await for instructions from the

50

00:04:37.820 --> 00:04:41.380

hotel staff as to when it's safe to reenter the building.

51

00:04:46.800 --> 00:04:51.180

Um, the hearing this afternoon is being undertaken both in person and with some

52

00:04:51.180 --> 00:04:55.140

pointed parties joining us online. Uh,

53

00:04:55.190 --> 00:04:58.580

we'll make sure that anybody that is attending online, um,

54

00:04:58.640 --> 00:05:03.140

has a fair opportunity to participate. Uh, the hearing is,

55

00:05:03.160 --> 00:05:05.060

is being live streamed and recorded.

56

00:05:09.830 --> 00:05:13.570

Um, for those participating online,

57

00:05:13.700 --> 00:05:18.130

could you please ensure, um, that you have devices and,

58

00:05:18.190 --> 00:05:22.770

and extraneous noise, um, controlled so that that doesn't, um,

59

00:05:22.880 --> 00:05:24.850

come through, uh, when you are speaking.

60

00:05:30.480 --> 00:05:33.460

Um, in terms of online participation,

61

00:05:33.880 --> 00:05:36.020

if and when you wish to speak to any item,

62

00:05:36.680 --> 00:05:41.620

can you just use the raise hand function in teams and either

63

00:05:41.820 --> 00:05:46.180

I or one of my colleagues or the case team? Uh, we'll make sure that, uh,

64

00:05:46.760 --> 00:05:49.060

the examining authority picks up that request and,

65

00:05:49.160 --> 00:05:52.020

and we'll bring you in at an appropriate time in the discussion.

66

00:05:57.420 --> 00:05:59.680

Um, I would remind everybody that there is,

67

00:05:59.960 --> 00:06:04.880

although there is a chat function in teams that has been disabled for the

68

00:06:04.880 --> 00:06:06.040

purposes of this hearing,

69

00:06:09.800 --> 00:06:11.440

a recording of today's hearing, uh,

70

00:06:11.440 --> 00:06:16.200

will be available on the website for this project hosted by the planning

71

00:06:16.350 --> 00:06:17.920

spectra. Um,

72

00:06:17.940 --> 00:06:21.880

and that recording will be posted as soon as practical following the hearing's.

73

00:06:21.880 --> 00:06:26.280

Conclusion, uh, with that in mind,

74

00:06:26.280 --> 00:06:30.640

would everybody please ensure that you speak clearly into a microphone stating

75

00:06:30.670 --> 00:06:35.560

your name, who you are representing each time, uh, you speak.

76

00:06:38.360 --> 00:06:40.540

Um, I don't think this is gonna apply,

77

00:06:40.640 --> 00:06:44.420

but if there is anybody that will be speaking later on this afternoon that is

78

00:06:44.420 --> 00:06:46.620

not sitting at the table, um,

79

00:06:46.620 --> 00:06:49.860

there is a roving mic that can be made available so that you can be heard by

80

00:06:49.860 --> 00:06:51.060

everybody. And

81

00:06:56.750 --> 00:06:59.890

If anyone wishes to use social media report,

82

00:06:59.960 --> 00:07:04.690

film or record today's hearing or any subsequent hearing that, that is fine.

83

00:07:05.230 --> 00:07:08.130

But please do that in a responsible manner, um,

84

00:07:08.310 --> 00:07:11.210

so that it does not become disruptive, uh, to the running the hearing.

85

00:07:13.470 --> 00:07:16.530

We aim to keep the hearing focused that it can be conducted efficiently.

86

00:07:18.670 --> 00:07:21.650

It should be noted that the early discussion of the draft, uh,

87

00:07:21.650 --> 00:07:26.170

development consent order should not be taken and as an indication

88

00:07:26.400 --> 00:07:30.770

that the examining authority has already reached a view about what its

89

00:07:30.770 --> 00:07:32.730

recommendation to the Secretary State will be.

90

00:07:37.310 --> 00:07:40.490

All information concerning the application, um,

91

00:07:41.030 --> 00:07:45.650

is available or will be available on the INSPECTORATES webpage, uh,

92

00:07:45.650 --> 00:07:46.483

for this project.

93

00:07:47.550 --> 00:07:51.730

And we strongly encourage everybody to familiarize yourself, um,

94

00:07:52.080 --> 00:07:54.450

with the information that's available on that website.

95

00:07:56.550 --> 00:08:01.530

I'm gonna quickly, um, now talk about, uh, G D P R, although, um,

96

00:08:02.110 --> 00:08:04.130

as I said this morning at the preliminary meeting,

97

00:08:04.570 --> 00:08:08.650

I think given the nature of the participation certainly in the room,

98

00:08:08.950 --> 00:08:13.850

and I would think also as far as the Environment Agency is concerned,

99

00:08:13.990 --> 00:08:16.970

uh, through their online participation, um,

100

00:08:17.410 --> 00:08:19.410

G D P R should not be too much of an issue,



101

00:08:19.510 --> 00:08:23.930

but just be wary of saying anything of a vague personal nature that you would

102

00:08:23.930 --> 00:08:25.330

not wish, uh, to be

103

00:08:26.920 --> 00:08:31.370

Said in a public arena that then is recorded and published thereafter.

104

00:08:38.940 --> 00:08:39.160

Uh,

105

00:08:39.160 --> 00:08:43.040

please bear in mind that the only official recording of today's hearing will be

106

00:08:43.040 --> 00:08:46.280

that, that the inspector posts on the website for this project.

107

00:08:52.330 --> 00:08:52.790

And again,

108

00:08:52.790 --> 00:08:56.320

I would remind everybody that at each occasion that you speak during the course

109

00:08:56.340 --> 00:08:59.920

of the hearing, you give your name, the party you are representing.

110

00:09:06.270 --> 00:09:10.340

Right. Gonna hand over to Mr. Bradley for a few other introductory remarks.

111

00:09:11.900 --> 00:09:13.380

I think just for the, uh, the,

112

00:09:13.380 --> 00:09:16.700

the form and indeed because we have different participation, uh,

113

00:09:16.700 --> 00:09:18.980

could we just quickly go around the room, uh,

114

00:09:19.280 --> 00:09:22.620

for those who will be speaking this afternoon? Can we start with Mr. Greenwood?

115

00:09:23.950 --> 00:09:27.260

Thank you, sir. Brian Greenwood for Associated British Reports.

116

00:09:28.670 --> 00:09:31.020

Thank you. And Mr.

117

00:09:34.110 --> 00:09:37.060

Thank you, sir. Uh, Robbie Owen, partner of the firm,

118

00:09:37.440 --> 00:09:41.260

Pinton Masons for C L D N Ports Killing Home Limited

119

00:09:43.440 --> 00:09:44.273

And round the room.

120

00:09:46.050 --> 00:09:47.260

Good afternoon. Um,

121

00:09:47.390 --> 00:09:51.940

Angus Walker from B D b Pitman's Solicitors representing D F D S,

122

00:09:51.980 --> 00:09:55.220

Seaway's, P L C or D F D S for short.

123

00:09:55.590 --> 00:09:56.423

Thank you.

124

00:09:57.530 --> 00:10:01.540

Good afternoon, sir. Victoria Hutton of council. That's uz, uh,

125

00:10:01.940 --> 00:10:03.820

representing the Harbor Master for the Humber.

126

00:10:05.910 --> 00:10:10.500

Thank you. Is there anybody else that whos voice we should recognize?

127

00:10:11.080 --> 00:10:15.300

Is there anybody at the back of the room he may wish to speak later on?

128

00:10:16.200 --> 00:10:17.380

No. Okay.

129

00:10:19.270 --> 00:10:20.290

Uh, Ms. Robbins,

130

00:10:20.350 --> 00:10:24.530

is there any further update as to whether or not I I O OT are going to be

131

00:10:24.530 --> 00:10:28.290

present? Uh, they certainly indicated they were going to be present.

132

00:10:30.480 --> 00:10:31.313

Okay.

133

00:10:35.800 --> 00:10:39.650

Good. I'll pass back to Mr. Gould. Now we can move on. I think,

134

00:10:46.370 --> 00:10:49.470

Um, I'm aware that we have a,

135

00:10:49.570 --> 00:10:52.190

an officer from the Environment Agency online.

136

00:10:55.880 --> 00:10:57.390

Could we just ask, uh,

137

00:10:57.580 --> 00:11:02.510

that environment officer to introduce yourself and how

138

00:11:02.510 --> 00:11:03.470

you would like to be addressed?

139

00:11:06.420 --> 00:11:08.910

Good afternoon, sir. My name is Annette Hewitson,

140

00:11:10.830 --> 00:11:15.590

representing the Environment Agency. Um, and I'm a mo Thank you.

141

00:11:16.600 --> 00:11:17.470

Thank you. And welcome.

142

00:11:24.240 --> 00:11:29.060

Uh, Ms. Robbins. Are there any other online attendees? No.

143

00:11:42.740 --> 00:11:46.610

Right. Turning to agenda item two, which is the agenda and the purpose meeting,

144

00:11:48.510 --> 00:11:49.890

or hearing, I should say. Sorry,

145

00:11:52.520 --> 00:11:57.040

the hearing will follow the agenda as, um, issued by the, um,

146

00:11:57.040 --> 00:12:01.560

inspector on the 14th of July. Um,

147

00:12:01.660 --> 00:12:06.280

it will be helpful if you have a copy of that agenda in front of you. Um,

148

00:12:06.300 --> 00:12:08.480

and can I ask for it to be displayed on screen please?

149

00:12:21.580 --> 00:12:22.413

Thank you.

150

00:12:33.060 --> 00:12:36.480

The examination of the application is primarily, uh,

151

00:12:37.800 --> 00:12:40.280

a written process, um,

152

00:12:42.260 --> 00:12:45.880

as we detailed this morning in the preliminary meeting. However,

153

00:12:46.020 --> 00:12:49.680

the purpose of of this hearing, uh,

154

00:12:50.020 --> 00:12:53.480

it is to enable the examining authority to raise questions specifically about

155

00:12:53.480 --> 00:12:58.280

some drafting points and the justification of articles requirements and

156

00:12:58.280 --> 00:13:02.400

other provisions included in the applicant's draft, uh, development,

157

00:13:02.400 --> 00:13:06.720

consent order, um, and also to seek any clarifying information,

158

00:13:08.340 --> 00:13:12.920

um, that we, we think can be better conveyed orally than, um,

159

00:13:12.940 --> 00:13:14.080

rather than in writing.

160

00:13:19.010 --> 00:13:22.600

There may also be some action points arising from the discussion this afternoon,

161

00:13:23.460 --> 00:13:27.520

uh, which again, uh, we, we feel will be better dealt with. Um,

162

00:13:27.520 --> 00:13:28.480

having heard the,

163

00:13:28.480 --> 00:13:32.600

the cases of the various parties about elements of the order or the draft order.

164

00:13:33.500 --> 00:13:37.600

Um, rather than everything being done in writing at this, this stage,

165

00:13:39.980 --> 00:13:44.800

Our questions will be directed either at the applicant or other ipss with the

166

00:13:45.040 --> 00:13:45.590

opposing parties,

167

00:13:45.590 --> 00:13:49.120

then being given the opportunity to comment on the answers given by the other

168

00:13:49.190 --> 00:13:53.720

side. For that reason,

169

00:13:53.940 --> 00:13:57.840

we may wish to inquire in greater or lesser detail, uh,

170

00:13:57.940 --> 00:14:02.440

in respect of agenda items depending on the, the answers that we receive.

171

00:14:04.700 --> 00:14:09.560

Um, it's also important to note that if for any reason there are matters that we

172

00:14:09.560 --> 00:14:14.440

decide not to discuss on the agenda this afternoon, um,

173

00:14:15.510 --> 00:14:18.400

that does not mean that those, those matters are not important.

174

00:14:18.460 --> 00:14:21.640

It just may well be that we, we've taken the view, um,

175

00:14:21.640 --> 00:14:25.720

that we don't need to pursue any oral questioning in regard to those matters.

176

00:14:44.460 --> 00:14:47.710

When the applicant or other ips are answering, um,

177

00:14:47.850 --> 00:14:49.350  
the examinee author's questions,

178

00:14:50.050 --> 00:14:54.200  
we would ask that you ensure you provide succinct answers, uh,

179

00:14:54.250 --> 00:14:57.840  
where a question is deserving of a yes no type answer.

180

00:14:58.610 --> 00:15:03.360  
Would you then, uh, respond accordingly and then provide any,

181

00:15:03.580 --> 00:15:05.480  
um, amplification as necessary?

182

00:15:08.940 --> 00:15:13.160  
Um, failing to answer a question is likely to result in us asking it again.

183

00:15:14.060 --> 00:15:17.520  
Um, so trying to evade the question probably won't get very far.

184

00:15:21.820 --> 00:15:24.800  
Um, I would also ask that you try and avoid

185

00:15:26.760 --> 00:15:29.600  
anticipating what the next question might be.

186

00:15:29.710 --> 00:15:33.960  
It's always best to answer the question that's actually being put.  
Um,

187

00:15:34.200 --> 00:15:36.800  
'cause sometimes anticipating the next question can,

188

00:15:36.940 --> 00:15:40.680  
can lead to more difficulty, Um,

189

00:15:40.950 --> 00:15:43.080

depending on how things are progressing. Um,

190

00:15:43.780 --> 00:15:48.000

we will probably take a short mid-afternoon break at a convenient point.

191

00:15:53.790 --> 00:15:57.690

Um, before we head into agenda item three,

192

00:15:58.740 --> 00:16:01.370

which is the discussion of, of the draft order,

193

00:16:01.950 --> 00:16:05.570

are there any sort of procedural housekeeping matters that anybody wishes to

194

00:16:05.650 --> 00:16:07.250

raise at this point for the applicant?

195

00:16:08.870 --> 00:16:09.703

No, sir. No.

196

00:16:11.150 --> 00:16:11.983

Mr. Owen?

197

00:16:12.590 --> 00:16:13.040

No.

198

00:16:13.040 --> 00:16:18.010

Nothing for Mr. Walker. Nothing. Okay. Thank you. Um, Ms. Hewitson,

199

00:16:18.070 --> 00:16:20.250

are you content with the procedural side of things?

200

00:16:23.790 --> 00:16:26.880

Annette Hewitson for the Environment Agency? Yes. Thank you, sir.

201

00:16:37.640 --> 00:16:42.140

For agenda item three, I'm primarily going to be leading with the questions.

202



00:16:42.640 --> 00:16:42.960  
Uh,

203

00:16:42.960 --> 00:16:47.740  
it would be helpful if everybody has got a copy of the draft order  
in front,

204

00:16:48.720 --> 00:16:50.420  
um, the explanatory memorandum.

205

00:16:51.240 --> 00:16:54.340  
We may need to look at the application drawings,

206

00:16:54.340 --> 00:16:58.140  
but I suspect we're going to be mainly focusing on the draft order  
and the

207

00:16:58.140 --> 00:17:01.540  
explanatory memorandum. But amongst, um,

208

00:17:02.410 --> 00:17:04.980  
everybody that's going to be actively participating,

209

00:17:05.200 --> 00:17:09.380  
are there any other documents that you feel we should have to hand  
Mr.

210

00:17:09.380 --> 00:17:10.080  
Greenwood,

211

00:17:10.080 --> 00:17:14.900  
Uh, Brian Greenwood for, uh, a b p, sir? Uh, if it would assist,

212

00:17:15.200 --> 00:17:16.033  
uh,

213

00:17:16.080 --> 00:17:20.340  
you've asked a number of questions I was going to suggest I can  
offer,

214

00:17:20.520 --> 00:17:23.140  
and I'm obviously in the X a's hands,

215

00:17:23.600 --> 00:17:27.420

we could put the clean copy of the D C O on screen.

216

00:17:28.240 --> 00:17:33.060

And I suspect you like this exercise to be very much a signposting exercise

217

00:17:33.160 --> 00:17:38.140

as well as answering your specific questions. I could take you through, uh,

218

00:17:38.360 --> 00:17:39.740

not in detail of drafting,

219

00:17:39.800 --> 00:17:43.660

but take you through those changes we are proposing to make and which you will

220

00:17:43.660 --> 00:17:48.460

see next week. Just so you are forewarned, if that would assist in so doing,

221

00:17:48.520 --> 00:17:48.740

we

222

00:17:48.740 --> 00:17:50.640

Would pick up all of your questions, of course,

223

00:17:53.790 --> 00:17:57.760

That that may be of assistance because there might be certain questions that

224

00:17:57.760 --> 00:18:02.440

I've got on my list that you will in effect preempt. Um,

225

00:18:02.780 --> 00:18:05.560

and therefore we avoid the need, um,

226

00:18:05.740 --> 00:18:10.520

to actually look at those questions that I had. Um, so yeah,

227

00:18:10.540 --> 00:18:13.720

if we can ask then for the draft order,

228

00:18:14.020 --> 00:18:17.880

that's a p p 0 1 3 to be put up on screen,

229

00:18:18.780 --> 00:18:21.120

but generally those particularly sitting around the table,

230

00:18:21.520 --> 00:18:26.200

I guess you've got copies of the order, um, to hand.

231

00:18:27.220 --> 00:18:29.760

And, um, Ms. Huson,

232

00:18:29.800 --> 00:18:33.000

I presume you've got a copy of the order fairly readily to hand as well?

233

00:18:36.990 --> 00:18:38.200

That is correct, sir. Yes.

234

00:18:38.310 --> 00:18:39.143

Yeah, good.

235

00:18:45.790 --> 00:18:48.080

What, what we had intended to do, uh, Mr.

236

00:18:48.080 --> 00:18:51.480

Greenwood is ask you in effect to give a, an explanation of,

237

00:18:51.620 --> 00:18:56.280

of your approach to the drafting of the order and the explanatory memorandum.

238

00:18:56.940 --> 00:19:01.920

Um, so if you'd like to lead off in effect, in a kindness summary, um,

239

00:19:02.390 --> 00:19:06.040

then if you want to take us through the drafting changes that,

240

00:19:07.460 --> 00:19:11.720

um, have been made or are in the process of being made, and then we'll,

241

00:19:11.730 --> 00:19:16.000

we'll come to my questions. Yep. If everybody's content with that. Mr. Owen,

242

00:19:16.090 --> 00:19:16.923

sorry, just before you,

243

00:19:17.060 --> 00:19:21.000

Robbie Owen for C L D N. Um, so if I could just, uh,

244

00:19:21.430 --> 00:19:26.360

make this point that before we come on to discuss particular

245

00:19:26.600 --> 00:19:30.440

articles in the draft, uh, D C O, uh,

246

00:19:30.670 --> 00:19:35.240

just as you've asked for the applicant to explain its approach to the drafting

247

00:19:35.240 --> 00:19:38.720

the D C O and the expansion memorandum, uh,

248

00:19:38.720 --> 00:19:41.800

certainly for C L D N, uh, I,

249

00:19:41.920 --> 00:19:46.280

I would appreciate the opportunity to give some general, uh,

250

00:19:46.280 --> 00:19:48.000

to give a general response, um,

251

00:19:48.100 --> 00:19:52.960

in terms of how we see the approach to the drafting the D C O, um, because,

252

00:19:53.220 --> 00:19:53.800  
uh, I,

253  
00:19:53.800 --> 00:19:58.440  
I think that may assist and that'll be a general statement with a few

254  
00:19:58.840 --> 00:19:59.460  
examples.

255  
00:19:59.460 --> 00:20:04.200  
It won't be specific going through articles because that obviously comes later.

256  
00:20:04.420 --> 00:20:04.840  
But, uh,

257  
00:20:04.840 --> 00:20:08.760  
if there's an opportunity for us to respond in general terms to the overall

258  
00:20:09.000 --> 00:20:12.490  
approach to the drafting D C O, I'd appreciate that. Thank

259  
00:20:12.490 --> 00:20:15.610  
You. That sounds very easy. Mr. Walker, would you like the same opportunity?

260  
00:20:16.630 --> 00:20:19.090  
Uh, thank you sir. Angus Walker for D F T S?

261  
00:20:19.210 --> 00:20:23.010  
I don't think we have any general points. I I would just ask that I,

262  
00:20:23.170 --> 00:20:26.650  
I note you have on the agenda some particular articles are mentioned.

263  
00:20:27.230 --> 00:20:29.210  
We have some points on other articles.

264  
00:20:29.210 --> 00:20:32.490

Shall we just indicate in between the,

265

00:20:32.490 --> 00:20:34.490

your points that we want to raise them?

266

00:20:35.390 --> 00:20:39.690

Uh, yeah, I think we'll see how we're going. I I should have said in opening,

267

00:20:40.190 --> 00:20:41.023

um,

268

00:20:44.920 --> 00:20:49.440

What we've identified may look a bit random, a lot of, uh,

269

00:20:49.440 --> 00:20:52.840

the reason why, particularly in a hearing, um, well,

270

00:20:52.840 --> 00:20:57.800

certainly my approach is I'm always looking to fill in the gaps in terms of what

271

00:20:57.880 --> 00:21:02.760

I do or, or really don't understand from what I've seen in writing. Um,

272

00:21:03.060 --> 00:21:07.400

so that's why cer certain things might look, um,

273

00:21:08.140 --> 00:21:11.200

as I say, a little bit random. Um, but yeah, I'm,

274

00:21:11.340 --> 00:21:14.800

I'm content and I think my colleagues will be content that, um,

275

00:21:15.740 --> 00:21:18.000

if we'd start with the summary from the applicant,

276

00:21:18.390 --> 00:21:22.360

then we'll we'll go around the table in terms of if there are any ob obvious

277

00:21:22.360 --> 00:21:27.200

observations either, um, that Mr. Ion wishes to make or you Mr.

278

00:21:27.200 --> 00:21:31.920

Walker wish to make depending on what you hear. Um, but then yeah, if, if,

279

00:21:31.980 --> 00:21:35.000

if there's something obvious in an article, uh, and,

280

00:21:35.060 --> 00:21:38.160

and if I've gone say 10 to 20, but you wanted to say something about 15,

281

00:21:38.160 --> 00:21:40.800

then by all means thank you, chip in. Thank

282

00:21:40.800 --> 00:21:43.640

You, sir. And can I just double check through you that the,

283

00:21:43.740 --> 00:21:48.400

the version we're looking at is the application version rather than a subsequent

284

00:21:49.150 --> 00:21:50.560

amendment to it. Thank you.

285

00:21:50.830 --> 00:21:54.240

Yeah, certainly. I'm only working to an applicant 'cause that's all I've seen.

286

00:21:56.100 --> 00:22:00.680

And, um, similarly for the, the Harbor Authority, are you content to,

287

00:22:00.680 --> 00:22:01.840

to work on that sort of basis?

288

00:22:02.340 --> 00:22:04.800

Yes, uh, uh, Victoria Hartson Harbor Authority? Yes.

289

00:22:05.300 --> 00:22:06.800  
And, uh, Ms. Heon,

290  
00:22:07.180 --> 00:22:11.440  
are there any particular aspects of the order from the Environment Agency's

291  
00:22:11.440 --> 00:22:14.080  
perspective that you'd like to focus on

292  
00:22:16.720 --> 00:22:20.940  
And hewitson for the Environment Agency? No, sir. There are no specific items,

293  
00:22:21.050 --> 00:22:24.180  
sort of over and above those we've made in our relevant representations.

294  
00:22:24.330 --> 00:22:28.100  
I'll just sort of join in if you require any clarification of,

295  
00:22:28.120 --> 00:22:30.460  
of the points that we've made. Thank you.

296  
00:22:31.440 --> 00:22:34.060  
Please, uh, feel free to chip in, um,

297  
00:22:34.320 --> 00:22:39.140  
at a point if it's of a concern or interest to the agency,

298  
00:22:39.840 --> 00:22:40.673  
um,

299  
00:22:42.840 --> 00:22:46.660  
you are suppose slightly at a disadvantage because you are the only participant

300  
00:22:46.660 --> 00:22:51.060  
online and it's easy for us to forget that you are there. Um,

301  
00:22:51.160 --> 00:22:54.700  
so make you do, make sure that, uh, you indicate and,



302

00:22:54.760 --> 00:22:57.020

and we will try and bring you in at an appropriate time.

303

00:22:58.260 --> 00:22:59.140

I will, sir. Thank you.

304

00:23:01.850 --> 00:23:03.350

Mr. Greenwood. If you'd like to,

305

00:23:03.670 --> 00:23:08.110

I think the best way is then if you summarize the approach to drafting,

306

00:23:08.970 --> 00:23:12.990

um, and then I think we'll, we'll come to Mr. Owen and any points that he's got.

307

00:23:13.850 --> 00:23:18.550

And then if you pick up, uh, where changes are, are likely, uh, to be made,

308

00:23:18.940 --> 00:23:21.110

does that seem a, a good way forward?

309

00:23:21.600 --> 00:23:25.830

Thank you, sir. I, I wonder whether it might be more benefit if Mr. Owen,

310

00:23:26.570 --> 00:23:29.830

uh, heard what I was going to say, uh, and when he,

311

00:23:29.940 --> 00:23:34.310

when I've concluded going through the D C O, um, I may have, uh,

312

00:23:34.980 --> 00:23:37.390

covered some of the points you wanted to make, but I, I'm,

313

00:23:37.450 --> 00:23:39.390

I'm in your hands in Mr. Owen's hands,

314

00:23:41.410 --> 00:23:44.830  
Uh, Robbie Owens, c r d n. Uh, I, I think the,

315  
00:23:44.830 --> 00:23:47.920  
The points I wanted to make are some general observations that sort of

316  
00:23:47.920 --> 00:23:51.840  
cross-cutting points, uh, that pervade through the D C O.

317  
00:23:51.860 --> 00:23:56.200  
So I think it would be helpful for the hearing to, um,

318  
00:23:56.430 --> 00:24:00.560  
receive those points, uh, uh, at the stage that we discussed five minutes ago,

319  
00:24:00.560 --> 00:24:03.680  
rather than right at the end, as I think Mr. Greenwood might be suggesting.

320  
00:24:06.630 --> 00:24:07.463  
Okay. I think

321  
00:24:08.940 --> 00:24:10.360  
I'm, I'm perfectly happy. Yeah,

322  
00:24:10.420 --> 00:24:10.650  
Let,

323  
00:24:10.650 --> 00:24:15.120  
let's go through a summary of what was the general approach before you started

324  
00:24:15.120 --> 00:24:19.840  
looking at amendment. Once you've done that summary, uh, we'll ask Mr.

325  
00:24:19.870 --> 00:24:24.480  
Owen, uh, for any observations he's got, then we'll turn to, uh,

326  
00:24:25.220 --> 00:24:29.320

the evolution or, uh, what is likely to be the evolution of the order,

327

00:24:31.460 --> 00:24:32.293  
if you'd like to.

328

00:24:32.730 --> 00:24:36.040  
Thank you sir. Brian Greenwood for a b p, sir,

329

00:24:36.100 --> 00:24:39.880  
to begin on a positive and collaborative note, uh, Mr.

330

00:24:39.880 --> 00:24:41.920  
Walker in particular, and also Mr.

331

00:24:42.030 --> 00:24:46.440  
Owen have offered some very helpful comments on the drafting of the D C O, uh,

332

00:24:46.620 --> 00:24:48.200  
one, two quite detailed notes.

333

00:24:48.500 --> 00:24:51.240  
And I'm happy to say that nearly all of them we have in fact,

334

00:24:51.240 --> 00:24:55.800  
incorporated and accepted. So, uh, I'm very happy with that. Uh,

335

00:24:55.860 --> 00:25:00.440  
so in terms of drafting, uh, the draft D C o,

336

00:25:01.330 --> 00:25:04.680  
we've been conscious of two elements really.

337

00:25:05.140 --> 00:25:09.880  
The first is there are not many port dcos. So again,

338

00:25:10.060 --> 00:25:12.840  
um, with a certain amount of thanks. Um,

339

00:25:13.260 --> 00:25:18.240

the two principle dcos that we have looked at are first one drafted by Mr.

340

00:25:18.240 --> 00:25:23.160

Walker a few years back for the, uh, Abel Marine Energy Park,

341

00:25:23.440 --> 00:25:27.400

D C O, and then most recently, one drafted by Mr. Owen, uh,

342

00:25:27.540 --> 00:25:28.920

for the Tilbury two project.

343

00:25:29.220 --> 00:25:33.200

And a lot of the provisions in those two dcos we have in fact

344

00:25:33.520 --> 00:25:38.280

incorporated the difficulty we have had in

345

00:25:38.950 --> 00:25:41.080

framing this D C o, sir,

346

00:25:41.420 --> 00:25:45.920

is a question of timing and delivery because, uh,

347

00:25:46.660 --> 00:25:51.400

whilst it may appear at the outset, a very simple, straightforward project,

348

00:25:52.210 --> 00:25:57.120

three new births in the marine environment associated development or within

349

00:25:57.180 --> 00:26:02.040

the port, the marine environment development, um, is,

350

00:26:02.100 --> 00:26:06.800

is a, a difficult area to satisfy the necessary regulators.

351

00:26:07.180 --> 00:26:11.240

So, for example, if you've looked, uh, in detail at the draft, uh,

352

00:26:11.980 --> 00:26:14.000  
marine license, um,

353  
00:26:14.820 --> 00:26:19.080  
we are in fact having to accept a number of restrictions.

354  
00:26:19.620 --> 00:26:21.920  
Uh, I will come to it in more detail when we,

355  
00:26:21.920 --> 00:26:26.040  
when we go through or act in appropriate time later. But for example,

356  
00:26:26.180 --> 00:26:28.560  
we have agreed, uh, that, uh,

357  
00:26:28.560 --> 00:26:32.600  
there will be a restriction between the 1st of October and the 31st of March

358  
00:26:32.670 --> 00:26:36.800  
inclusive that there will be no marine construction activity

359  
00:26:37.190 --> 00:26:41.200  
located within 200 meters of the intertidal mudflat.

360  
00:26:41.500 --> 00:26:45.000  
And this is so that the, that the birds on the mud flat are not disturbed.

361  
00:26:45.380 --> 00:26:48.320  
So that is still part of a pending negotiation,

362  
00:26:48.780 --> 00:26:53.200  
but what we have had to do in framing the D C O is ensure

363  
00:26:54.030 --> 00:26:57.880  
that we can receive the necessary authorization,

364  
00:26:58.060 --> 00:27:02.840  
the necessary powers to construct the development while

365

00:27:02.970 --> 00:27:07.480

still delivering it within an appropriate timeframe. And, uh,

366

00:27:08.460 --> 00:27:12.760

in full compliance with the restrictions that are being proposed, suggested,

367

00:27:13.140 --> 00:27:14.800

and currently being negotiated,

368

00:27:15.540 --> 00:27:20.160

in particular with Natural England and the Marine Management organization.

369

00:27:21.910 --> 00:27:26.690

And sir, you will see that there are various parts of the draft order,

370

00:27:27.230 --> 00:27:28.063

uh,

371

00:27:28.320 --> 00:27:33.010

that to go to means whereby we can speed the

372

00:27:33.210 --> 00:27:37.410

delivery process whilst at the same time, uh,

373

00:27:37.640 --> 00:27:40.730

keeping in compliance with the wishes of the regulators.

374

00:27:41.870 --> 00:27:45.450

So I think that's as far as I need go at this stage,

375

00:27:45.550 --> 00:27:48.610

unless there are any specific questions. And if you could hear from Mr.

376

00:27:48.640 --> 00:27:52.250

Owen and then I'll take you through as a signposting exercise.

377

00:27:54.500 --> 00:27:56.290

Thank you, Mr. Greenman. Mr. Owen,

378

00:27:58.150 --> 00:28:00.130

Uh, thank you sir. Rob Owen for C L D M

379

00:28:03.070 --> 00:28:03.630

Ss,

380

00:28:03.630 --> 00:28:08.610

Sir, in summary, uh, in terms of our overall observations on the,  
uh,

381

00:28:08.610 --> 00:28:09.890

draft development consent order,

382

00:28:09.990 --> 00:28:14.650

we do have serious concerns that it has not been drafted with

383

00:28:14.800 --> 00:28:19.730

appropriate, uh, rigor or precision, uh, uh, or with

384

00:28:22.570 --> 00:28:24.610

adequate regard to current advice and guidance.

385

00:28:28.110 --> 00:28:28.550

Uh,

386

00:28:28.550 --> 00:28:32.850

Mr. Greenwood referred to The two previous, uh,

387

00:28:32.960 --> 00:28:34.490

port Dcos. Uh,

388

00:28:34.610 --> 00:28:38.090

I believe actually there was also another one for the Yorkshire  
Potash scheme,

389

00:28:38.150 --> 00:28:39.730

but be that as it may, uh,

390

00:28:39.730 --> 00:28:44.290

and I was indeed responsible for the most recent of those dcos for the expansion

391

00:28:44.290 --> 00:28:47.890

of the Port of Tilbury for the Tilbury two scheme. But the, the,

392

00:28:47.890 --> 00:28:52.530

the points I'm about to make are more general good practice points relating to

393

00:28:53.150 --> 00:28:55.090

the drafting of development consent orders and,

394

00:28:55.090 --> 00:28:59.170

and they're not harbor specific d c o points. So I,

395

00:28:59.250 --> 00:29:01.090

I don't think there's anything really much in what Mr.

396

00:29:01.090 --> 00:29:03.810

Green was said in that respect about there being, uh,

397

00:29:03.920 --> 00:29:06.130

very few harbor dcos.

398

00:29:08.700 --> 00:29:11.370

We've got a number of concerns, and I'll just give some examples in a moment.

399

00:29:11.910 --> 00:29:13.970

Um, but, but in summary, it,

400

00:29:13.970 --> 00:29:17.450

it word development consent to be granted in the form applied for.

401

00:29:19.220 --> 00:29:23.970

There is no certainty that the development would adhere to the parameters that

402

00:29:23.970 --> 00:29:26.210

have been assessed. Uh,



403

00:29:26.210 --> 00:29:30.730

and there is no certainty that the mitigation assessors being required would be

404

00:29:30.730 --> 00:29:31.563

delivered.

405

00:29:33.320 --> 00:29:37.850

This manifests itself most obviously in relation to the requirements

406

00:29:38.190 --> 00:29:42.150

set out in schedule two to the draft D C O, but,

407

00:29:42.150 --> 00:29:45.590

but it's actually a common issue running throughout the whole document.

408

00:29:47.210 --> 00:29:50.670

And in relation to this lack of precision in the drafting, uh,

409

00:29:50.770 --> 00:29:53.150

I'd like to give just five examples.

410

00:29:56.530 --> 00:30:00.910

The first is there is lack of clarity in relation to vertical limits of

411

00:30:00.910 --> 00:30:02.270

deviation. In Article seven,

412

00:30:04.050 --> 00:30:08.910

the reference point from which the power to deviate may be exercised is

413

00:30:08.910 --> 00:30:12.910

said to be the levels shown on the engineering sections, drawings and plans.

414

00:30:15.370 --> 00:30:17.910

But those levels are marked as indicative

415

00:30:19.570 --> 00:30:23.750

and there's no clear labeling telling the reader the maximum height of the

416

00:30:23.870 --> 00:30:24.703

structures

417

00:30:26.230 --> 00:30:30.970

or clarifying whether the levels are to be scaled from existing or

418

00:30:31.210 --> 00:30:35.480

proposed ground levels. Put simply,

419

00:30:35.480 --> 00:30:39.960

there is no firm point of reference to determine the starting point

420

00:30:40.740 --> 00:30:44.960

of the proposed two meters upwards limit of deviation.

421

00:30:51.770 --> 00:30:56.030

The second example is that there is a lack of precision or care taken with the

422

00:30:56.030 --> 00:31:00.430

drafting of the requirements themselves in schedule two to pick,

423

00:31:00.570 --> 00:31:05.270

to pick one example of many requirement four replies working

424

00:31:05.280 --> 00:31:08.430

hours to associated development,

425

00:31:09.770 --> 00:31:14.750

but nowhere is it spelt out. What development is the associated development.

426

00:31:15.740 --> 00:31:17.430

It's not defined in the requirements.

427

00:31:18.370 --> 00:31:22.990

And schedule one to the D C O does not seek to differentiate between the

428

00:31:22.990 --> 00:31:27.270

nationally significant infrastructure project and the associated development.

429

00:31:29.120 --> 00:31:32.530

There's a similar issue with requirement five that seeks to impose construction

430

00:31:32.530 --> 00:31:36.810

hours on quote Marine works, but again,

431

00:31:36.810 --> 00:31:38.050

that term is not defined.

432

00:31:41.080 --> 00:31:41.913

The third example

433

00:31:43.400 --> 00:31:46.700

is there is no clear definition of operational use

434

00:31:48.320 --> 00:31:50.220

to trigger operational mitigation.

435

00:31:51.440 --> 00:31:54.020

And the drafting currently employed

436

00:31:56.220 --> 00:31:59.700

conflicts with the definition of commence given in Article two one

437

00:32:01.120 --> 00:32:04.500

and the definition of commence given in paragraph one of schedule two.

438

00:32:07.980 --> 00:32:12.670

Clearly the term commence need only be defined once and in the

439

00:32:12.670 --> 00:32:14.990

appropriate place in the D in the D C O.

440

00:32:23.390 --> 00:32:27.210

The fourth example is that the delivery of important mitigation is left to the

441

00:32:27.210 --> 00:32:31.450

applicant with no requirement for local planning authority or any other relevant

442

00:32:31.590 --> 00:32:35.690

organizational approval. C for example, requirement date,

443

00:32:36.540 --> 00:32:40.080

which only requires accordance with the construction environmental management

444

00:32:40.190 --> 00:32:41.023

plan.

445

00:32:43.340 --> 00:32:47.760

As we'll be expressing in detailed written representations that document has

446

00:32:47.760 --> 00:32:52.600

submitted is a high level summary falling far short of the

447

00:32:52.600 --> 00:32:57.240

detail necessary to have confidence or certainty that

448

00:32:57.420 --> 00:33:01.080

the right mitigation will be delivered at the right time.

449

00:33:08.290 --> 00:33:12.910

The fifth and for now final example of our serious

450

00:33:12.910 --> 00:33:17.390

concern with the draft in the order is the number of what are often called

451

00:33:17.580 --> 00:33:19.390

tailpiece provisions

452

00:33:21.560 --> 00:33:22.830

Given without reasoning.

453

00:33:22.890 --> 00:33:26.910

And these provisions would allow the applicant to circumvent the statutory

454

00:33:26.910 --> 00:33:29.750

processes for changing a development consent order,

455

00:33:29.960 --> 00:33:32.870

which is set out in the planning Act of 2008,

456

00:33:35.390 --> 00:33:38.450

for example, when there are lots of these. Article 21,

457

00:33:38.880 --> 00:33:43.690

paragraph two would allow the number of passengers permitted to depart

458

00:33:43.800 --> 00:33:46.690

from the harbor facilities to be increased

459

00:33:48.270 --> 00:33:50.370

if agreed with the relevant planning authority.

460

00:33:53.880 --> 00:33:58.460

Yet we are told in the expansion memorandum that throughout that throughput

461

00:33:58.460 --> 00:33:59.040

rather,

462

00:33:59.040 --> 00:34:04.020

is a key parameter that has been fixed to set the assessment of the

463

00:34:04.180 --> 00:34:06.220

envelope for the environmental impact assessment.

464

00:34:10.380 --> 00:34:12.950

This widespread use of tail pieces

465

00:34:14.500 --> 00:34:18.910

clearly departs from the very clear guidance given in this respect

466

00:34:19.650 --> 00:34:23.830

in section 17 of the planning Inspectorates advice note 15,

467

00:34:23.830 --> 00:34:27.110

which deals with the drafting of development consent orders.

468

00:34:30.050 --> 00:34:34.670

So I hope that gives the panel a flavor for where we

469

00:34:35.090 --> 00:34:39.550

are coming from in terms of our serious concerns with the

470

00:34:40.190 --> 00:34:45.070

drafting of the D C O, which, um, we, we, we find throughout the document.

471

00:34:45.770 --> 00:34:48.910

Um, and those are just a few examples. Thank you,

472

00:34:51.370 --> 00:34:54.790

Mr. Mr. Walker,

473

00:34:55.250 --> 00:35:00.030

did you want to say anything in that connection or do you wanna rest with what

474

00:35:00.030 --> 00:35:01.590

Mr. Owen has had to say?

475

00:35:02.280 --> 00:35:06.870

Angus Walker for DF d s um, um, I endorse much of what Mr.

476

00:35:06.870 --> 00:35:09.910

Owen has said and we have many examples,

477

00:35:10.050 --> 00:35:14.790

but on specific points rather than to address generally of a similar nature.

478

00:35:15.770 --> 00:35:19.110

And we have conveyed them in our relevant representation in on the whole.

479

00:35:22.040 --> 00:35:24.590

Thank you. Mr. Walker, anything from the Harbor Authority?

480

00:35:26.790 --> 00:35:31.230

Victoria Hutton for the Harbor Master? No, sir. No comment. Mr. Greenwood,

481

00:35:31.570 --> 00:35:32.750

do you want to respond?

482

00:35:34.280 --> 00:35:35.230

Brian Greenwood for

483

00:35:35.370 --> 00:35:37.240

Ab p I mean, just before you do, I mean there,

484

00:35:37.240 --> 00:35:41.520

there are a number of drafting type points that we've picked up.

485

00:35:42.420 --> 00:35:43.253

Um,

486

00:35:44.420 --> 00:35:49.360

and it's likely that in our first written questions you might be hit with,

487

00:35:50.580 --> 00:35:53.800

um, questions relating to drafting.

488

00:35:53.870 --> 00:35:58.200

Some of what I'm gonna touch on this afternoon in my questions also will touch

489

00:35:58.200 --> 00:36:02.880

on that, but it, depending on your response, um,

490

00:36:03.980 --> 00:36:08.800

as to whether or not you're gonna go away and do a quite a hefty

review of,

491

00:36:09.580 --> 00:36:11.960

if I first principle type drafting type cons,

492

00:36:12.440 --> 00:36:15.320

considerations might determine, sorry,

493

00:36:15.320 --> 00:36:19.440

determine whether or not certainly examining authority needs to produce a raft

494

00:36:19.440 --> 00:36:23.760

of questions or a question with an appendix,

495

00:36:23.870 --> 00:36:27.960

with a lots of picky little drafting type points. Uh,

496

00:36:27.980 --> 00:36:31.000

so given that background, uh, we'd, we'd like to respond to Mr.

497

00:36:32.030 --> 00:36:36.210

Okay, excuse me, Mr. Gold, if I may just chip in, um,

498

00:36:36.490 --> 00:36:38.250

a rider on that in that, uh,

499

00:36:38.510 --> 00:36:43.170

in drafting the questions such that they can be issued as soon as it's

500

00:36:43.770 --> 00:36:48.050

sensibly convenient. Um, ideally with the I R eight, uh, uh,

501

00:36:48.410 --> 00:36:49.770

roulette eight letter next week,

502

00:36:51.110 --> 00:36:55.290

we may be putting in questions which you have actually already

503

00:36:55.440 --> 00:36:58.210



anticipated and have addressed,

504

00:36:58.630 --> 00:37:02.250

in which case we'll be generally, um, uh,

505

00:37:02.520 --> 00:37:07.210

like covering our questions with, if not already addressed in response.

506

00:37:07.670 --> 00:37:11.330

So just as a, as a warning shot, we, we,

507

00:37:11.350 --> 00:37:13.210

we fear there may be some duplication there,

508

00:37:13.210 --> 00:37:16.810

but I think it's in the general interest of moving this examination forward very

509

00:37:16.810 --> 00:37:17.643

quickly.

510

00:37:20.380 --> 00:37:24.930

Thank you, sir. Uh, uh, Brian Greenwood for a b p,

511

00:37:25.190 --> 00:37:29.050

sir, I don't really think it would be helpful, uh,

512

00:37:29.150 --> 00:37:32.410

if I were to respond at this stage to Mr. Owens, uh, comments,

513

00:37:32.590 --> 00:37:35.850

not all of which I agree, but overall, uh,

514

00:37:36.370 --> 00:37:40.530

I take any comments received, uh, as very helpful. Thank you very much.

515

00:37:40.670 --> 00:37:44.850

And we look forward to seeing the written representations from both, uh,

516

00:37:45.450 --> 00:37:49.690

C L D N and D F D S, uh, to incorporate as appropriate.

517

00:37:50.430 --> 00:37:51.263

Uh,

518

00:37:51.740 --> 00:37:56.330

would it be best now if I start moving through the draft D C O,

519

00:37:56.590 --> 00:38:00.170

uh, and in so doing, I have marked all of the specific points, sir,

520

00:38:00.170 --> 00:38:04.490

that you have identified that you wish to discuss. And, uh, I will pause at,

521

00:38:04.550 --> 00:38:05.690

at that stage

522

00:38:08.560 --> 00:38:09.810

That would seem appropriate. Yep.

523

00:38:10.300 --> 00:38:12.970

Thank you sir. Well, sir,

524

00:38:13.300 --> 00:38:16.210

right at the beginning in the definitions,

525

00:38:16.550 --> 00:38:19.690

and this actually relates also to requirement 18,

526

00:38:20.350 --> 00:38:25.050

we are including a definition for the

527

00:38:25.470 --> 00:38:27.690

harbor master, uh,

528

00:38:27.980 --> 00:38:32.810

which does need a degree of clarification. And sir,

529

00:38:33.230 --> 00:38:38.040  
uh, I was going to offer, if it would be helpful a note, um,

530  
00:38:38.620 --> 00:38:39.453  
by, uh,

531  
00:38:39.680 --> 00:38:43.720  
deadline one explaining the difference of powers,

532  
00:38:43.780 --> 00:38:46.000  
the jurisdiction and the, uh,

533  
00:38:46.290 --> 00:38:49.080  
separation between the Harbor Master and the Dock Master.

534  
00:38:50.380 --> 00:38:55.040  
Uh, you have kind of preempted what we were likely to be asking for  
later in the

535  
00:38:55.040 --> 00:38:59.600  
afternoon. If, if I just, um, take that point up.

536  
00:39:00.380 --> 00:39:04.760  
We certainly have been struggling to work out who does what,

537  
00:39:05.250 --> 00:39:10.200  
where the jurisdictions for who does what begins ends. Um,

538  
00:39:10.540 --> 00:39:11.373  
so yeah,

539  
00:39:12.170 --> 00:39:16.960  
definition of the role of Dock Master and what he or she

540  
00:39:17.110 --> 00:39:21.880  
does in terms of the operation of the port definition of

541  
00:39:22.220 --> 00:39:25.280  
Harbor Master for the Port of Immingham.

542  
00:39:25.820 --> 00:39:27.320

If that is different to

543

00:39:29.020 --> 00:39:32.680  
the Harbor Master for the Humber, um,

544

00:39:33.300 --> 00:39:35.960  
it would also be helpful for us,

545

00:39:35.980 --> 00:39:40.040  
but we may well touch on this anyway on Thursday.

546

00:39:41.420 --> 00:39:42.253  
Um,

547

00:39:42.300 --> 00:39:47.280  
as to what the relationship between the statutory Harbor master is

548

00:39:47.980 --> 00:39:49.720  
and the parent company,

549

00:39:50.700 --> 00:39:55.280  
we are particularly interested to know how much arm's length,

550

00:39:55.780 --> 00:39:59.360  
um, involvement there is. Um,

551

00:39:59.620 --> 00:40:03.480  
but certainly in dealing with those jurisdictional type things in terms of the

552

00:40:03.480 --> 00:40:07.920  
various masters and what they do,

553

00:40:08.620 --> 00:40:11.640  
uh, we'd also like to see that by reference to a plan.

554

00:40:11.820 --> 00:40:16.200  
So it's clear that we understand what the jurisdictions are.

555

00:40:16.940 --> 00:40:21.440  
Um, 'cause thinking forward, we may in our recommendation report,

556

00:40:21.580 --> 00:40:25.960

having need to convey some of this to the Secretary of State and

557

00:40:26.580 --> 00:40:29.040

the, the simpler we can make that process.

558

00:40:29.260 --> 00:40:34.040

And often that will be a combination of words and plans that just

559

00:40:34.040 --> 00:40:36.200

makes it a lot easier. Um,

560

00:40:36.500 --> 00:40:40.560

so it might be what we're really asking for is some sort of technical guide

561

00:40:40.710 --> 00:40:44.600

note, um, that's got all of that information in one place.

562

00:40:44.960 --> 00:40:49.680

'cause it's often much easier certainly in reporting if we've got an aid

563

00:40:49.820 --> 00:40:53.920

memoir where we just keep on referring the reader to.

564

00:40:56.550 --> 00:40:57.383

Yeah.

565

00:40:58.410 --> 00:41:01.760

Again, Mr. Greenwood, if, uh, I may add a writer, uh,

566

00:41:01.830 --> 00:41:06.720

this is I think a useful opportunity to get a step ahead of the game from

567

00:41:07.080 --> 00:41:12.000

Thursday and, uh, that note that you so kindly offer, which we,

568

00:41:12.060 --> 00:41:14.040

we accept gratefully, uh,

569

00:41:15.520 --> 00:41:18.880

I think we'd very much appreciate if you could cover the safety governance,

570

00:41:18.900 --> 00:41:23.600

if we may embrace it as that, uh, as a,

571

00:41:23.980 --> 00:41:28.080

an explanation of where the interfaces are

572

00:41:28.630 --> 00:41:33.560

between the different, um, uh, uh, partly the different ssha,

573

00:41:33.700 --> 00:41:38.680

but actually trying to understand what the communications lines are.

574

00:41:39.260 --> 00:41:43.680

An OrganiGram might be a very helpful tool there. Um,

575

00:41:44.140 --> 00:41:45.120

and, uh,

576

00:41:45.400 --> 00:41:50.400

I think it would be very useful if you could also be considering in this the

577

00:41:51.400 --> 00:41:55.960

relationship of a project specific N R A

578

00:41:57.140 --> 00:42:00.680

and the N R A for the Port of England, uh,

579

00:42:01.100 --> 00:42:05.800

as extant and one assumes, uh, an N R A,

580

00:42:05.800 --> 00:42:10.640

which is updated at a period which you would perhaps like

581

00:42:10.640 --> 00:42:14.280

to indicate for our guidance. Um,

582

00:42:17.350 --> 00:42:19.330

and I think if that, um,

583

00:42:20.270 --> 00:42:24.810

is another opportunity to just ask ahead of, ahead of Thursday,

584

00:42:25.270 --> 00:42:27.410

we would be asking otherwise, um,

585

00:42:27.630 --> 00:42:32.210

if that port n r a could be submitted into the examination,

586

00:42:32.210 --> 00:42:35.850

if you could consider that and, uh, let us know if that would be acceptable.

587

00:42:37.140 --> 00:42:40.970

Brian Greenwood for a b p I will certainly ask my client, sir,

588

00:42:41.060 --> 00:42:42.610

there is a difficulty,

589

00:42:42.610 --> 00:42:45.850

which you would've seen in some of the correspondence as to confidentiality,

590

00:42:46.350 --> 00:42:49.090

but I will certainly try and assist as, as far as we can

591

00:42:49.350 --> 00:42:52.370

If you think it would help the examination. That is, yes, sir. Thank you.

592

00:42:53.360 --> 00:42:56.370

Also, on the point of governance, uh,

593

00:42:56.430 --> 00:43:00.490

it would assist us to understand what the relationship is between

594

00:43:01.790 --> 00:43:06.250  
the harbor of th master and any role that the health and safety

595  
00:43:06.360 --> 00:43:07.530  
executive has got,

596  
00:43:07.530 --> 00:43:11.970  
particularly in connection with the operation of the I o T

597  
00:43:12.480 --> 00:43:15.010  
side of things. Um, 'cause again,

598  
00:43:15.150 --> 00:43:19.850  
we have been struggling a little to understand where the  
jurisdictional overlaps

599  
00:43:20.510 --> 00:43:25.450  
are, particularly as the Health and Safety executive. Um,

600  
00:43:25.800 --> 00:43:30.530  
I'll paraphrase seem reasonable content from what we've seen

601  
00:43:31.070 --> 00:43:34.330  
to this point. But again, we need to understand,

602  
00:43:34.850 --> 00:43:39.650  
particularly as iot have raised some concerns about their

603  
00:43:39.800 --> 00:43:42.850  
operation, what they have to do under the coma regulations.

604  
00:43:44.270 --> 00:43:44.950  
And again,

605  
00:43:44.950 --> 00:43:49.850  
we need to understand potentially what they are having to do versus

606  
00:43:50.080 --> 00:43:53.170  
what, uh, the Harbor Authority is having to do.

607  
00:43:53.990 --> 00:43:57.010



And as, as, as Mr. Bradley indicated,

608

00:43:57.010 --> 00:44:01.370

where there may be overlaps trying to demystify all of that.

609

00:44:04.380 --> 00:44:06.890

Brian Greenwood for a b p. Uh, thank you sir.

610

00:44:07.070 --> 00:44:10.490

I'm really looking forward to drafting this simple, straightforward note. Um,

611

00:44:10.870 --> 00:44:13.410

but we have taken note of everything and sir, um,

612

00:44:13.650 --> 00:44:18.170

I hope deadline one's acceptable for, for this. And if I could just draw in, uh,

613

00:44:18.320 --> 00:44:20.530

council for the Harbor Master.

614

00:44:21.030 --> 00:44:25.330

We have been discussing the definition and the way forward and we have wondered

615

00:44:25.330 --> 00:44:28.210

whether it would also be helpful, and you haven't asked for this,

616

00:44:28.310 --> 00:44:31.050

but if we put together a statement of common ground between the,

617

00:44:31.140 --> 00:44:33.560

the two parties, uh, identifying the points.

618

00:44:33.720 --> 00:44:36.760

I dunno if Council for the Harbormaster wishes to add anything.

619

00:44:39.570 --> 00:44:42.370

Victoria Hutton for the Harbor Master of the Humber. Um,

620

00:44:42.910 --> 00:44:47.290

so we're ready and willing to do whatever would assist you best. Uh,

621

00:44:47.290 --> 00:44:51.330

we haven't obviously put in any representations thus far. Um,

622

00:44:51.590 --> 00:44:55.170

we were preparing to give you our 10 minute summary on Thursday of our position.

623

00:44:55.910 --> 00:44:58.610

If it would assist you to agree a statement of common ground, then we,

624

00:44:58.880 --> 00:45:01.090

we'd be more than happy to do so and,

625

00:45:01.190 --> 00:45:05.490

and equally to collaborate on any document to do with powers, et cetera. But I,

626

00:45:05.570 --> 00:45:09.690

I look forward to seeing the simple, simple note from Mr. Greenwood.

627

00:45:11.090 --> 00:45:12.810

I I think at this stage,

628

00:45:12.860 --> 00:45:16.050

we'll leave the issue of whether or not there needs to be a statement of common

629

00:45:16.050 --> 00:45:20.530

ground, maybe until we've heard the submissions on Thursday.

630

00:45:21.390 --> 00:45:23.770

Um, because of course one of the things that will flow,

631

00:45:23.770 --> 00:45:26.090

particularly from Thursday, 'cause we've asked for it,

632

00:45:26.670 --> 00:45:29.970

is we are gonna need in terms of the summaries that are given by the

various

633

00:45:29.970 --> 00:45:34.050

parties, um, written versions of those summaries,

634

00:45:34.050 --> 00:45:39.010

which will come in as examination documents that may cover a

635

00:45:39.010 --> 00:45:41.730

lot of the territory that might otherwise, uh,

636

00:45:41.790 --> 00:45:46.130

be included in a statement of common ground. Now, if for any reason

637

00:45:47.850 --> 00:45:52.530

disagreement develops between the Harbor Master and the

638

00:45:52.530 --> 00:45:56.930

applicant in particular during the debate or discussion on Thursday,

639

00:45:57.320 --> 00:46:00.290

then there may be the need for a statement of common ground.

640

00:46:00.490 --> 00:46:04.450

'cause that might then obvi be the obvious route to try and at least get the two

641

00:46:04.450 --> 00:46:05.370

sides, um,

642

00:46:07.960 --> 00:46:11.010

into dialogue and explaining their positions. Um,

643

00:46:11.210 --> 00:46:16.100

I think it's important that we should say at this point that, um,

644

00:46:16.760 --> 00:46:19.180

as far as the Harbor Authority is concerned,

645

00:46:20.320 --> 00:46:24.500

we feel they should not feel constrained

646

00:46:25.920 --> 00:46:30.540

in terms of saying whatever they feel they need to say in the interest of

647

00:46:30.860 --> 00:46:34.820

whatever statutory, uh, requirements they are filling,

648

00:46:35.370 --> 00:46:39.540

even if that may ultimately result in some sort of conflict,

649

00:46:40.400 --> 00:46:43.580

um, with, with the applicant, um,

650

00:46:43.580 --> 00:46:46.180

because they're obviously fulfilling a statutory role,

651

00:46:46.280 --> 00:46:48.820

we need to understand what that statutory role is.

652

00:46:51.800 --> 00:46:55.380

Uh, Victoria Hutton for the Hubber Master. So thank you. I mean,

653

00:46:55.380 --> 00:46:58.420

the hob master is here independently represented, uh,

654

00:46:58.440 --> 00:47:01.620

and takes his statutory duties very seriously indeed.

655

00:47:01.680 --> 00:47:06.180

So I can assure you that our representations, uh, will be made in,

656

00:47:06.180 --> 00:47:07.013

in that light.

657

00:47:09.870 --> 00:47:12.620

Thank you Mr. Greenwood, if you,

658

00:47:14.120 --> 00:47:14.953

Sir

659

00:47:17.520 --> 00:47:18.740

Mr. Ryan? Sorry.

660

00:47:19.040 --> 00:47:21.500

So just, just, uh, Robbie Owen for C R D N, just, uh,

661

00:47:21.520 --> 00:47:24.900

if I may just come back on some of that discussion. Um,

662

00:47:25.160 --> 00:47:28.900

it may be that the note Mr. Greenwood's kindly offered to provide a deadline.

663

00:47:28.900 --> 00:47:31.160

One, he's, we'll answer this, but

664

00:47:31.350 --> 00:47:34.160

He's sort of been hood winged rather than kindly offering, but

665

00:47:34.350 --> 00:47:36.840

Yeah. But, um, I,

666

00:47:36.920 --> 00:47:39.480

I would find it helpful if it could particularly deal with a,

667

00:47:39.560 --> 00:47:44.400

a couple of matters. The first, if, if, um, is it Mr.

668

00:47:44.640 --> 00:47:45.520

Cockrell could just, uh,

669

00:47:45.860 --> 00:47:50.760

scroll down to the definition of Humber Conservancy Commissioners, uh,

670

00:47:50.760 --> 00:47:55.200

which is referred to in the definition of the Harbor Master. Um, I,

671

00:47:55.300 --> 00:47:59.960

I'm not entirely clear on that definition 'cause it seems to be conflating,

672

00:48:00.580 --> 00:48:01.413

uh,

673

00:48:01.500 --> 00:48:06.320

the Conservancy Commissioners with the Port

674

00:48:06.440 --> 00:48:10.200

of Ingham statutory Harbor Authority. Um, uh, uh,

675

00:48:10.380 --> 00:48:13.600

and the answer may be because they are one and the same,

676

00:48:13.620 --> 00:48:17.720

but I think it'd be helpful if the note could confirm that. And, and, and also,

677

00:48:19.140 --> 00:48:21.560

uh, uh, as I think you touched on, but I wanted to be clear,

678

00:48:21.950 --> 00:48:26.720

what is the relationship between, uh, um, these bodies? Um,

679

00:48:26.980 --> 00:48:28.800

so the Humber Conservancy commissioners,

680

00:48:28.800 --> 00:48:32.440

the Port of Ingham statutory Harbor authority on the one hand,

681

00:48:32.740 --> 00:48:37.720

and the company as defined further up that same page on the other, um,

682

00:48:38.020 --> 00:48:41.080

yet, yet, what is the relationship? Is there an arms length relationship or not?

683

00:48:41.080 --> 00:48:45.840

Because, uh, it, it, it is not readily apparent to most of us,

684

00:48:45.960 --> 00:48:48.160

I suspect. And therefore, if Mr.

685

00:48:48.160 --> 00:48:52.000

Greenwood's note could provide some clarity in that respect, uh, I,

686

00:48:52.000 --> 00:48:53.160

for one will be very grateful.

687

00:48:55.340 --> 00:48:56.160

Mr. Greenman, Brian

688

00:48:56.160 --> 00:49:01.080

Greenwood for, uh, the a b p, uh, uh, just to put Mr. Owen's mind at rest,

689

00:49:01.330 --> 00:49:05.520

which is always my avowed intent, uh, the Humber,

690

00:49:05.580 --> 00:49:09.320

the term Humber Harbor Commissioners will disappear in the next draft. Sir, uh,

691

00:49:09.320 --> 00:49:12.160

that is one of the discussions we are having with the Harbor Master.

692

00:49:12.700 --> 00:49:16.600

It is actually, uh, an inaccurate out of date, uh,

693

00:49:16.630 --> 00:49:21.520

name and we will correct the record for the next draft and the other points that

694

00:49:21.520 --> 00:49:25.680

Mr. Owen has noted. Thank you. That they'll be taken on board in my short note.

695

00:49:26.460 --> 00:49:27.293

And

696

00:49:29.410 --> 00:49:33.040

where does HU S three services come? Is that in effect,

697

00:49:33.540 --> 00:49:38.120

in effect the new version of the commission or 'cause that was also something we

698

00:49:38.120 --> 00:49:39.480

were scratching our heads about,

699

00:49:41.490 --> 00:49:44.680

Brian Greenwood for a v p. Um, yes, you,

700

00:49:44.740 --> 00:49:47.400

you did warn us earlier not to sidestep questions.

701

00:49:47.410 --> 00:49:51.360

Could I possibly sidestep that one and include it in the note? Yeah, it, it is,

702

00:49:51.380 --> 00:49:55.880

uh, um, an exactly, uh, pertinent question.

703

00:49:56.300 --> 00:49:58.600

Uh, Humber Esri services will be dealt with,

704

00:49:58.620 --> 00:50:03.120

but they are also not a name that will appear in the D C O when it's finalized.

705

00:50:04.720 --> 00:50:06.920

I, I think you are probably getting to do,

706

00:50:06.980 --> 00:50:11.280

all we want is as much clarity about who does what and where.

707

00:50:12.220 --> 00:50:15.800

Um, and it, we were certainly, uh,

708

00:50:15.840 --> 00:50:19.600

finding that quite difficult to get to grips with. Um,

709

00:50:19.940 --> 00:50:23.920

and that was part of the reason why for issue specific hearing two



on

710

00:50:25.440 --> 00:50:27.480  
Thursday, we had asked for the,

711

00:50:28.020 --> 00:50:32.960  
the various bits of the applicant and or the statutory bits

712

00:50:32.960 --> 00:50:36.960  
of the applicant to be present so that we could tease out, um,

713

00:50:38.280 --> 00:50:40.820  
who, as I say, who does what, where, and when sort of thing.

714

00:50:41.840 --> 00:50:44.340  
But I think we're getting towards, um,

715

00:50:44.760 --> 00:50:48.620  
or we will be getting towards a better understanding of all that.  
But I,

716

00:50:48.700 --> 00:50:51.660  
I have to say from the application documentation, it was not clear

717

00:50:53.790 --> 00:50:58.060  
Brian Greenwood for a b p, and I can only apologize for the lack of  
clarity. Uh,

718

00:50:58.160 --> 00:51:00.140  
it is extremely complicated,

719

00:51:00.200 --> 00:51:03.180  
and as you'll discover when you see my simple notes, sir,

720

00:51:03.230 --> 00:51:07.980  
there is a degree of overlap as well, just to complicate matters.  
But

721

00:51:08.520 --> 00:51:13.220  
We suspected that might be the case. And again, that may, you know,

722

00:51:13.220 --> 00:51:14.860  
that may be no bad thing.

723  
00:51:14.860 --> 00:51:19.340  
That might just be where the legislation is because some of it is so old.

724  
00:51:20.360 --> 00:51:24.500  
Um, and of course it has been amended over time. Um,

725  
00:51:24.880 --> 00:51:28.540  
and it does then leave you, um, in a slightly difficult situation where yeah,

726  
00:51:28.560 --> 00:51:31.500  
who is actually ultimately responsible for what.

727  
00:51:32.440 --> 00:51:36.820  
And we are going to come to a question about Article four, um,

728  
00:51:36.820 --> 00:51:41.180  
which is the 1847 clauses, um, which, um,

729  
00:51:41.280 --> 00:51:42.860  
I'm gonna ask you about, but we'll,

730  
00:51:42.860 --> 00:51:45.860  
we'll get there later because that was again, causing some concern.

731  
00:51:48.250 --> 00:51:49.950  
Yes, sir? Brian? Oh, sorry,

732  
00:51:50.570 --> 00:51:51.403  
Mr. Walker

733  
00:51:52.080 --> 00:51:53.430  
Angus Walker for D F D S,

734  
00:51:53.430 --> 00:51:55.910  
I just had a brief point I was gonna raise under Article two,

735

00:51:55.910 --> 00:51:58.230  
but it would seem to be convenient to raise it.

736  
00:51:58.230 --> 00:52:03.230  
Now is the definition of the port of I Immingham in Article two  
talks about

737  
00:52:03.230 --> 00:52:07.790  
the Port of Ingham statutory Harbor authority area. I think it,  
that,

738  
00:52:07.900 --> 00:52:12.230  
that is not defined further in the D C O and maybe it is defined in  
another

739  
00:52:13.130 --> 00:52:14.550  
Harbor Vision order or something,

740  
00:52:14.550 --> 00:52:19.150  
but it'd be useful to have a plan of that in your this now famous

741  
00:52:19.440 --> 00:52:21.030  
brief note, please. Thank you,

742  
00:52:21.080 --> 00:52:23.310  
Which is now run to three or four volumes.

743  
00:52:26.780 --> 00:52:30.950  
It's Brian Green was for a v p, and thank you Mr. Walker, that is  
noted as well.

744  
00:52:31.890 --> 00:52:36.550  
Um, yes, sir. Uh, I'll, I'll move on. Uh, I'm,

745  
00:52:36.650 --> 00:52:40.230  
I'm glad that you haven't actually mentioned the term Competent  
Harbor

746  
00:52:40.230 --> 00:52:43.590  
Authority. Uh, that will come in the note as well,

747  
00:52:43.690 --> 00:52:47.430

but we'll leave that one for another time. So, um,

748

00:52:48.010 --> 00:52:51.190

the very next point actually I have to raise is a point you've raised regarding

749

00:52:51.250 --> 00:52:55.790

the company. Uh, so if I could just explain our position,

750

00:52:56.610 --> 00:52:58.230

uh, we,

751

00:52:58.330 --> 00:53:02.990

we did question whether it we should be using the term company

752

00:53:03.170 --> 00:53:06.590

or the term undertaker. And indeed we did discuss this with,

753

00:53:06.660 --> 00:53:10.350

with pins as well when we submitted the draft D C O, uh,

754

00:53:10.370 --> 00:53:15.150

for their overview oversight. Um, again, uh,

755

00:53:16.470 --> 00:53:21.350

I, I have, uh, looked at the Tilbury two order and the able order,

756

00:53:21.650 --> 00:53:24.190

and Mr. Walker will no doubt, correct me if I'm wrong,

757

00:53:24.330 --> 00:53:29.280

but I think that Abel promoted that D C O and they were called the

758

00:53:29.280 --> 00:53:30.113

company,

759

00:53:30.300 --> 00:53:34.640

but it was for the benefit of the operator who would build out,

760

00:53:34.640 --> 00:53:38.800

and that was therefore the undertaker. Whereas for the Port of

Tilbury,

761

00:53:39.360 --> 00:53:43.160

I believe the Port of Tilbury was named the company. And,

762

00:53:43.420 --> 00:53:46.800

and using that in my defense, sir,

763

00:53:46.990 --> 00:53:50.280

because a B P is a statutory undertaker,

764

00:53:50.540 --> 00:53:55.400

it just struck us at the end of the day that for simplification, um,

765

00:53:55.460 --> 00:53:59.520

it would be better if we were described as the company, obviously, sir. Uh,

766

00:53:59.600 --> 00:54:03.080

I mean the X a's hands, and if you think it should be undertaker,

767

00:54:03.080 --> 00:54:06.040

then it will be undertaker. But, uh,

768

00:54:06.350 --> 00:54:08.800

that is our rationale for using that term.

769

00:54:13.290 --> 00:54:18.230

My sense is that the majority of made dcos are

770

00:54:18.260 --> 00:54:21.270

referring to undertaker. That's just an observation.

771

00:54:21.510 --> 00:54:25.310

I think it would be useful to have comment from the other councilor.

772

00:54:27.850 --> 00:54:32.350

Uh, thank you. So Robbie Owen, for C R D M, um, I, I don't think, uh,

773

00:54:33.190 --> 00:54:37.830

anything really turns on the use of the word the company instead of the more

774

00:54:37.830 --> 00:54:42.590

conventional, the undertaker, uh, per se, I mean, don't consent to orders.

775

00:54:42.650 --> 00:54:47.150

And indeed, uh, other similar statute instruments, uh,

776

00:54:47.280 --> 00:54:49.070

adopt different approaches. Um,

777

00:54:49.410 --> 00:54:54.150

and to a large extent it's down to personal drafting preference. Um,

778

00:54:55.850 --> 00:55:00.150

uh, I, I think, um, I mean there are a few,

779

00:55:00.810 --> 00:55:04.590

uh, issues we note, for example, that, um, the, uh,

780

00:55:04.590 --> 00:55:08.590

expansion memorandum does refer certainly in one place to the undertaker when,

781

00:55:08.590 --> 00:55:12.150

when I think it means the company. But I, I think what I would say is that, um,

782

00:55:12.690 --> 00:55:16.950

uh, It is a principle of good statute instrument drafting.

783

00:55:16.950 --> 00:55:21.790

The definitions should be descriptive, um, uh, and, and, and a clarity,

784

00:55:21.850 --> 00:55:24.030

but it shouldn't include operative, operative provisions.

785

00:55:24.130 --> 00:55:27.150

And certainly the references, uh,

786

00:55:27.570 --> 00:55:30.470

in the definition of the company to articles eight and nine, uh,

787

00:55:30.530 --> 00:55:34.590

are unnecessary, uh, I would say, uh, uh,

788

00:55:34.810 --> 00:55:39.070

and could be removed. Um, but I think whether it's a company or undertaker,

789

00:55:39.070 --> 00:55:41.030

we don't have a view on that. Um, it's a,

790

00:55:41.030 --> 00:55:45.830

it's a matter for a b P to take a view and, um, it, it,

791

00:55:45.890 --> 00:55:48.910

it, as I say, nothing, nothing else really turns on on it as such.

792

00:55:52.480 --> 00:55:57.350

Thank you opportunity for Mr. Walker. I I don't disagree with that.

793

00:55:57.440 --> 00:55:59.510

Angus Walker for D F T S Hudson,

794

00:56:01.510 --> 00:56:04.350

Victoria Hut for the Harbor Master, we have no comment. Thank you.

795

00:56:05.750 --> 00:56:06.450

I think the,

796

00:56:06.450 --> 00:56:11.190

the key thing in that is undertaker is the norm.

797

00:56:12.650 --> 00:56:16.990

If the applicant wishes to use company instead,

798

00:56:17.780 --> 00:56:22.630

then the explanatory memorandum needs to give a clear explanation as to

799

00:56:22.650 --> 00:56:25.600

why the approach has been taken. Um,

800

00:56:25.940 --> 00:56:27.760

it doesn't do that at the moment.

801

00:56:39.130 --> 00:56:42.080

Brian Greenwood for a b p. Thank you, sir. That is noted,

802

00:56:42.100 --> 00:56:44.720

and I should have said at the beginning and when, uh,

803

00:56:44.750 --> 00:56:48.280

this morning I was talking about circulating a draft, uh,

804

00:56:48.810 --> 00:56:51.440

track changed version of the D C O, there will also,

805

00:56:51.460 --> 00:56:54.800

of course be produced a track changed version of the explanatory memorandum.

806

00:56:58.780 --> 00:57:01.520

Sir, the next point you have raised, um,

807

00:57:02.340 --> 00:57:05.960

is the definition of relevant planning authority. Uh,

808

00:57:06.620 --> 00:57:10.120

so this was quite, oh, I see Mr. Richard Limmer isn't with us this afternoon.

809

00:57:10.620 --> 00:57:13.600

So the, in very simple terms, uh,

810

00:57:13.940 --> 00:57:16.040

the proposed development site,

811

00:57:16.890 --> 00:57:20.520

apart from that area that falls within the area of the crown of



state, uh,

812

00:57:20.700 --> 00:57:24.680

is all within the area of Northeast Lincolnshire Council. And indeed,

813

00:57:24.680 --> 00:57:29.080

the proposals we have to improvements of Eastgate will be with Northeast Re

814

00:57:29.080 --> 00:57:33.960

Council in their capacity as the Highway Authority North Lincolnshire Council.

815

00:57:34.580 --> 00:57:38.480

Um, the Port falls in their boundary,

816

00:57:38.540 --> 00:57:40.520

but outside, in fact,

817

00:57:40.520 --> 00:57:43.600

the boundary of the two local authorities bisex the Port.

818

00:57:43.790 --> 00:57:45.360

It's not quite as accurate as that.

819

00:57:45.980 --> 00:57:48.800

So I use relevant planning authority,

820

00:57:48.900 --> 00:57:51.400

but then defined it as Northeast Linkage to council.

821

00:57:51.500 --> 00:57:53.960

But you have questioned the drafting.

822

00:57:55.270 --> 00:58:00.120

Well, only in part because the drafting also refers to the Highway Authority.

823

00:58:00.940 --> 00:58:05.080

I'm just wondering whether it might be easier, um,

824

00:58:05.180 --> 00:58:09.560

to refer to the council having defined the council,

825

00:58:09.570 --> 00:58:12.040

which potentially is Northeast Lincolnshire Council.

826

00:58:12.980 --> 00:58:15.320

But is there any scope,

827

00:58:16.000 --> 00:58:19.960

particularly in respect of Highway Works? Um,

828

00:58:20.140 --> 00:58:25.040

and it might be signage or something that is required

829

00:58:25.220 --> 00:58:29.720

in North Re Council's area, because if, if that were necessary,

830

00:58:30.790 --> 00:58:34.680

then there would then need to be a definition that dealt with the neighboring

831

00:58:34.680 --> 00:58:35.513

local authority,

832

00:58:38.330 --> 00:58:42.960

Brian Greenwood, for a b p. So, uh, I can't really speak of course,

833

00:58:42.980 --> 00:58:47.640

for North Link re in their absence, but I, I can say that we have discussed,

834

00:58:47.820 --> 00:58:52.200

uh, this issue, uh, with North Linker Council and, uh,

835

00:58:53.030 --> 00:58:57.000

subject to, uh, the council wanting to correct anything I say. Now,

836

00:58:57.140 --> 00:59:01.120

my understanding is they are not concerned, uh, about, uh,

837

00:59:01.940 --> 00:59:05.080

the use of roads in their area. In fact,

838

00:59:05.100 --> 00:59:09.640

the main access way to the port was subject to A D C O a few years ago,

839

00:59:09.700 --> 00:59:13.840

and it's dual carriageway, um, a, a very good road. Uh,

840

00:59:13.940 --> 00:59:16.640

so they're not worried about any additional transport.

841

00:59:16.900 --> 00:59:21.080

And when you get onto transport on Thursday, you'll, you'll, you'll see that,

842

00:59:21.140 --> 00:59:25.040

that the majority of the traffic will go into Northeast Lincolnshire Council's

843

00:59:25.040 --> 00:59:25.873

area.

844

00:59:28.650 --> 00:59:30.880

Thank you, Mr. Green. I think it, it's just a,

845

00:59:31.360 --> 00:59:35.720

a point we just asked you just to go away and review whether or not, um,

846

00:59:36.110 --> 00:59:39.480

council might be a better, uh, if, you know, we,

847

00:59:39.700 --> 00:59:43.720

you end up in the position that there is just Northeast Lincolnshire Council,

848

00:59:43.780 --> 00:59:47.760

but whether it would be better to refer to council having defined it,

849

00:59:47.810 --> 00:59:51.080

which then picks up both branches, the Planning Authority,

850

00:59:51.180 --> 00:59:53.920

and the Highway Authority. Uh, 'cause sometimes of course,

851

00:59:54.070 --> 00:59:58.520

they never shall twain, um, in terms of, than working together,

852

00:59:58.860 --> 01:00:00.080

um, it, it,

853

01:00:00.100 --> 01:00:04.560

it just seemed a little bit odd that the Highway Authority was being tagged onto

854

01:00:04.560 --> 01:00:06.440

the planning authority 'cause they are separate entities.

855

01:00:08.570 --> 01:00:12.160

Brian Greenwood for a b p, and thank you, sir. Yes, we'll take note of that and,

856

01:00:12.260 --> 01:00:16.280

uh, improve the drafting, sir,

857

01:00:16.580 --> 01:00:20.680

on the, uh, moving on, uh oh, yes, the 1846, uh,

858

01:00:20.680 --> 01:00:24.080

seven ACT is your, uh, your point. And sir, I'm,

859

01:00:24.180 --> 01:00:26.200

I'm grateful here to Mr.

860

01:00:26.200 --> 01:00:29.920

Walker who's looked at this particular provision. Um,

861

01:00:30.540 --> 01:00:35.120

the incorporation of this particular act is because it gives certain

862

01:00:35.300 --> 01:00:38.080  
powers to ports the, uh,

863

01:00:39.580 --> 01:00:40.920  
by incorporating the act,

864

01:00:40.940 --> 01:00:44.560  
we don't need to repeat the powers that are in that act. Uh,

865

01:00:45.410 --> 01:00:50.000  
there are various other a b P orders that have incorporated the act  
and

866

01:00:50.020 --> 01:00:53.640  
indeed the, uh, April Marine Energy Park, uh,

867

01:00:54.160 --> 01:00:58.480  
D C O also incorporated the act where it gets complicated, sir,

868

01:00:58.540 --> 01:01:02.400  
is some of the sections in that ACT have been repealed, and, uh,

869

01:01:02.540 --> 01:01:07.200  
I'm not actually sure that we have correctly identified all of the  
relevant

870

01:01:07.200 --> 01:01:11.360  
sections as well. Uh, and Mr. Mr. Walker has hinted at that,

871

01:01:12.060 --> 01:01:14.960  
um, certainly, uh, sir,

872

01:01:14.960 --> 01:01:19.760  
section 71 of the 1847 Act, uh, is an offense,

873

01:01:19.860 --> 01:01:22.000  
and that should have been included. There could be, we,

874

01:01:22.020 --> 01:01:25.640  
we can't include that in the D C O and there may be other  
provisions.

875

01:01:25.880 --> 01:01:28.000

I can apologize for any confusion there, sir,

876

01:01:28.510 --> 01:01:32.960

what I will do is give you the correct numbering and it,

877

01:01:33.180 --> 01:01:36.120

it may well be I'll, uh, ref reference Mr.

878

01:01:36.120 --> 01:01:39.080

Walker just to check that he's content with what we're,

879

01:01:39.320 --> 01:01:41.480

There is actually a slightly more fundamental question,

880

01:01:41.660 --> 01:01:42.493

Please.

881

01:01:44.070 --> 01:01:48.080

What would be the implications if the order were made,

882

01:01:48.220 --> 01:01:52.760

if there were no article four i e no incorporation of the

883

01:01:52.920 --> 01:01:54.080

1847 act?

884

01:01:55.010 --> 01:01:59.840

Would that in operational terms cause a difficulty

885

01:02:01.100 --> 01:02:04.440

or in the alternate, do all of the sections,

886

01:02:04.750 --> 01:02:08.440

what those that have been included, those that may need to be added,

887

01:02:09.780 --> 01:02:13.880

if some of those were included versus some that weren't? Again,

888

01:02:14.090 --> 01:02:17.040  
would there be an operational implication? I mean,

889  
01:02:17.190 --> 01:02:19.680  
just looking through some of the, the, the,

890  
01:02:19.700 --> 01:02:22.240  
the sections in the old 1847 act,

891  
01:02:22.310 --> 01:02:26.440  
there's bits and pieces about approving getting plans approved. Of course,

892  
01:02:26.540 --> 01:02:30.600  
that's embedded in the D C O, um, through requirements.

893  
01:02:31.500 --> 01:02:32.480  
Um, it,

894  
01:02:32.540 --> 01:02:36.720  
it seemed that there are lots of the 1847 ACT

895  
01:02:37.750 --> 01:02:42.560  
that were written in a completely different age when there was a completely

896  
01:02:42.560 --> 01:02:46.760  
different, well, very little legislation, uh,

897  
01:02:46.760 --> 01:02:49.640  
particularly in terms of environmental protection. Now,

898  
01:02:49.640 --> 01:02:53.720  
what we are dealing with, um, as I say, is a, a very different environment,

899  
01:02:54.540 --> 01:02:59.360  
um, where there either is legislation that's not being misapplied,

900  
01:02:59.900 --> 01:03:04.600  
or there is the actual order if made, that would be, uh,

901

01:03:04.660 --> 01:03:08.160

in effect governing this development just before Mr.

902

01:03:08.330 --> 01:03:11.080

Owens given an indication to, to speak to that point.

903

01:03:12.050 --> 01:03:16.880

Thank you, sir. Robbie Owen? Um, I think it's important just to, uh,

904

01:03:16.990 --> 01:03:21.920

make the point that incorporation of certain provisions of the 1847 ACT is

905

01:03:22.120 --> 01:03:25.160

entirely standard practice. Uh, this is a practice that Mr.

906

01:03:25.160 --> 01:03:26.920

Greenwood is following. Um,

907

01:03:27.260 --> 01:03:30.280

that's not to say the particular section numbers are, uh,

908

01:03:30.620 --> 01:03:34.760

are necessarily right and we want to discuss that, but, um, in, in,

909

01:03:34.860 --> 01:03:36.120

in development consent orders,

910

01:03:36.180 --> 01:03:39.040

in all number of harbor revision orders and harbor empowerment orders,

911

01:03:39.110 --> 01:03:42.520

that is still the practice for good reason. I refer you, for example,

912

01:03:42.660 --> 01:03:46.680

to the Harbor Empowerment order and the harbor revision order relating to the

913

01:03:46.680 --> 01:03:50.880



port of killing home that we appended to, uh, CDNs relevant representation.

914

01:03:51.020 --> 01:03:55.320

You can see from that that, um, uh, that has been the practice there.

915

01:03:55.880 --> 01:03:58.920

I think there's one very important factor to bear in mind here,

916

01:03:58.930 --> 01:04:02.840

which is definitely an operational issue, I think was the,

917

01:04:02.860 --> 01:04:04.600

the way you expressed it, which is, um,

918

01:04:04.980 --> 01:04:08.520

the incorporation of section 33 of the 1847 Act,

919

01:04:08.520 --> 01:04:10.960

which is a very important provision, um,

920

01:04:11.140 --> 01:04:15.160

in effect imposing what's known as the open port duty

921

01:04:16.420 --> 01:04:20.680

on the facility that is, would be authorized by this, uh, order.

922

01:04:21.340 --> 01:04:23.160

Um, and that is a,

923

01:04:23.280 --> 01:04:28.120

a fundamental aspect of English port and harbor law that applies to

924

01:04:28.320 --> 01:04:30.680

most statutory harbor authorities,

925

01:04:31.380 --> 01:04:35.440

namely that on payment of relevant due and

926

01:04:35.990 --> 01:04:38.320

complying with bylaws and other provisions,

927

01:04:38.980 --> 01:04:43.640

the port or a a facility concerned shall be open to all traffic.

928

01:04:44.260 --> 01:04:48.720

Uh, so it's not a private facility, uh, and that is a fundamental point.

929

01:04:48.740 --> 01:04:49.380

And therefore,

930

01:04:49.380 --> 01:04:53.760

in incorporating section 33 of the 1847 act into this

931

01:04:54.170 --> 01:04:58.520

order, it is saying that this provision will be a public facility in essence,

932

01:04:58.980 --> 01:04:59.350

uh,

933

01:04:59.350 --> 01:05:03.520

subject to complying with the local legislation relating to the Port of Ingham.

934

01:05:04.220 --> 01:05:08.880

And, um, uh, uh, that I wanted just to,

935

01:05:09.420 --> 01:05:11.880

uh, make a clear point on because it's, it's,

936

01:05:11.880 --> 01:05:16.240

it's a fundamental point that needs to be understood. Um, if,

937

01:05:16.260 --> 01:05:19.720

if I could also, um, with apologies,

938

01:05:20.320 --> 01:05:24.240

I wasn't able to secure your attention, but whilst I'm speaking on that,

939

01:05:24.340 --> 01:05:28.440

on the last point about relevant planning authority c c,

940

01:05:28.460 --> 01:05:32.760

can I just make a point which I don't think was covered, um, which is that the,

941

01:05:33.420 --> 01:05:34.253

the, the, the,

942

01:05:34.300 --> 01:05:39.040

the definition there implies that there is another

943

01:05:39.650 --> 01:05:43.800

local planning and authority and highway authority for other parts of the order

944

01:05:43.830 --> 01:05:47.600

land. Because the definition we see, uh, it's not on the screen now,

945

01:05:47.600 --> 01:05:51.040

but the definition we see says that relevant planning authority means the local

946

01:05:51.240 --> 01:05:54.960

planning authority and highway authority for that part of the order land that

947

01:05:54.960 --> 01:05:58.680

falls within the administrative jurisdiction of Northeast Lincolnshire Council.

948

01:05:58.680 --> 01:06:01.920

Therefore, presumably there is another part of the order land that doesn't,

949

01:06:01.950 --> 01:06:05.920

therefore, in whose jurisdiction does that lie? Uh, so it,

950

01:06:05.980 --> 01:06:08.080

it may be that that can be covered as well by Mr.

951

01:06:08.080 --> 01:06:12.960

Greenwood in reconsidering the definition of this planning authority, um,

952

01:06:14.020 --> 01:06:16.480

uh, or this council, given it's not just planning functions,

953

01:06:16.480 --> 01:06:19.560

but highway functions. Um, apologies for taking us back to that,

954

01:06:19.560 --> 01:06:21.400

but I thought it's an important point to make, sir.

955

01:06:24.370 --> 01:06:29.080

Thank you, Mr. Toro. I, I, I, I really,

956

01:06:29.120 --> 01:06:30.920

I think in terms of Article four,

957

01:06:31.550 --> 01:06:36.240

there's a bit more work that needs to be done in the explanatory memorandum

958

01:06:36.380 --> 01:06:39.040

as well as potentially, um,

959

01:06:39.110 --> 01:06:43.600

looking at which are the relevant sections that would need to be. But again, I,

960

01:06:43.760 --> 01:06:46.600

I certainly would come back to the point, um,

961

01:06:47.430 --> 01:06:51.600

that really only sections of the 1847 Act

962

01:06:52.600 --> 01:06:57.170

that really bite on the operation of the port and that need to be for the sort

963

01:06:57.170 --> 01:07:01.130

of reason that Mr. Owens just given should be in a made order.

964

01:07:01.710 --> 01:07:06.290

If there's anything in there, um, that is so antiquated, um,

965

01:07:06.630 --> 01:07:11.090

and is being dealt with either because of the consenting mechanism through the,

966

01:07:11.090 --> 01:07:12.850

the, or the draft order, or sorry,

967

01:07:13.010 --> 01:07:17.770

a made order itself or potentially other legislation that's

968

01:07:17.800 --> 01:07:21.610

overtaken events, then it really ought not be in there because it,

969

01:07:21.610 --> 01:07:23.450

it just seems to be adding, um,

970

01:07:24.200 --> 01:07:27.890

another dimension that just may not be relevant.

971

01:07:29.070 --> 01:07:29.730

Ms. Hutton,

972

01:07:29.730 --> 01:07:34.210

have you got any observations in from the statutory Harbor authority side of

973

01:07:34.210 --> 01:07:34.850

things,

974

01:07:34.850 --> 01:07:35.970

Victoria Hutton for the Harbor Master?

975

01:07:36.230 --> 01:07:38.650

So I think we will take that away and consider our opposition.

976

01:07:41.230 --> 01:07:42.063

Mr. Walker,

977

01:07:42.870 --> 01:07:47.370

Uh, Sarah Angus Walker for D F D Ss? I don't have any comments on Article four.

978

01:07:47.450 --> 01:07:51.730

I just hope we haven't left Article two behind because I had a couple more on

979

01:07:51.730 --> 01:07:56.610

that. And indeed on the agenda it talks about the interpretation of Roro unit,

980

01:07:56.610 --> 01:07:57.850

which I don't think we've covered.

981

01:08:00.230 --> 01:08:03.290

Now, I was going to come back, um,

982

01:08:04.310 --> 01:08:06.050

but Mr. Greenwood,

983

01:08:07.110 --> 01:08:10.610

Uh, thank you. Thank you, sir. Uh, and, and yes, uh,

984

01:08:10.890 --> 01:08:15.360

I did actually have section 33 of the 18 47 7 Act in front of me. And, um,

985

01:08:15.500 --> 01:08:20.480

I'm grateful for, uh, uh, Mr. Owen's explanation there as well. So,

986

01:08:20.490 --> 01:08:22.840

we'll, we'll look at the definition of council. The,

987

01:08:22.860 --> 01:08:24.880

the reason we chose the words, uh, as,

988

01:08:24.980 --> 01:08:28.880

as part that part of the order is that of course, uh,

989

01:08:28.940 --> 01:08:32.040

not all of the order land does fall within Northeastern Council.

990

01:08:32.150 --> 01:08:35.800

Some of it falls within the crown of state. Uh, so that, that was different,

991

01:08:35.800 --> 01:08:38.560

but we will look at that. And I apologized, sir,

992

01:08:38.680 --> 01:08:41.400

I did jump over row row units and row row vessels. So

993

01:08:42.110 --> 01:08:45.240

Just come back to that section. I think the, some of the, the,

994

01:08:47.020 --> 01:08:48.160

the questions and, um,

995

01:08:48.180 --> 01:08:52.520

the issues that are arise are because the explanatory memorandum,

996

01:08:53.540 --> 01:08:54.373

um,

997

01:08:54.580 --> 01:08:58.560

is not perhaps as full or as useful as it might be.

998

01:08:59.580 --> 01:09:02.920

Um, I've recently had cause to use, um,

999

01:09:03.070 --> 01:09:07.480

another explanatory memorandum for a completely different type of case work

1000

01:09:08.100 --> 01:09:10.440

and struggled. Um,

1001

01:09:11.380 --> 01:09:15.520

and so have a lot of lawyers in that particular case struggled with

1002

01:09:15.520 --> 01:09:18.360

interpretation, um, a lot largely,

1003

01:09:18.780 --> 01:09:23.120

and that's because the memorandum didn't really help anybody. Um,

1004

01:09:23.580 --> 01:09:26.600

and I think in, in, you know, particularly Article four,

1005

01:09:26.600 --> 01:09:30.200

there is a need to beef up the memorandum. Um,

1006

01:09:30.820 --> 01:09:34.760

but if there are sections that really aren't relevant,

1007

01:09:35.230 --> 01:09:39.160

then they ought not to be, I would suggest incorporated into any made order,

1008

01:09:40.620 --> 01:09:44.280

Uh, Brian Greenwood, the, uh, a V p, and that is entirely agreed. Sir.

1009

01:09:46.660 --> 01:09:51.120

Um, Mr. Greenwood, before we go back to article two, if we may,

1010

01:09:51.460 --> 01:09:52.293

um,

1011

01:09:52.300 --> 01:09:57.240

do you have any comment on that point regarding section 33 of the 1847 Act that

1012

01:09:57.300 --> 01:09:58.133

was made?

1013

01:09:58.870 --> 01:10:03.360

Well, Vanessa, the, as well, I agree entirely with everything Mr. Owen has said.

1014

01:10:03.360 --> 01:10:06.800



Section 33 is a critical section. Uh,

1015

01:10:07.030 --> 01:10:11.120

what we will do is, uh, in order of your request,

1016

01:10:11.220 --> 01:10:16.000

we will go through every single section and I will make sure that our

1017

01:10:16.400 --> 01:10:21.000

rationale for inclusion or not inclusion is detailed in explanatory memorandum

1018

01:10:21.060 --> 01:10:22.200

and, and deal with it that way.

1019

01:10:27.590 --> 01:10:28.423

Mr.

1020

01:10:28.910 --> 01:10:33.570

Robbie Owens, c c r d n, just briefly, sir. Um, I, I think, uh,

1021

01:10:34.470 --> 01:10:38.770

the, the, the, the, the, the plan, or I think it was a plan that Mr.

1022

01:10:38.770 --> 01:10:42.810

Greenwood said that his note on Harbor functions would, uh,

1023

01:10:43.590 --> 01:10:45.690

the note would come along with a plan. I,

1024

01:10:45.810 --> 01:10:47.650

I think it might be helpful if possible,

1025

01:10:48.150 --> 01:10:52.570

if that same plan could also set out the, uh,

1026

01:10:53.110 --> 01:10:56.690

administrative boundaries of the relevant local authorities.

1027

01:10:57.030 --> 01:11:01.770

And also, if there is, as I'm wondering whether this is what Mr.

1028

01:11:01.770 --> 01:11:06.250

Greenwood meant, um, in effect a gap from the low watermark,

1029

01:11:06.250 --> 01:11:10.690

which is normally the limited jurisdiction of a local authority. Um,

1030

01:11:11.190 --> 01:11:13.720

uh, and, and therefore, uh,

1031

01:11:13.830 --> 01:11:18.800

sort of seaward from that is whether that is just the crown of state or

1032

01:11:18.800 --> 01:11:23.680

whether the principle of Esthers applies and therefore the

1033

01:11:23.680 --> 01:11:26.880

jurisdiction of the local authorities goes to the middle of the estuary. Um, I,

1034

01:11:26.960 --> 01:11:30.800

I think, um, there's a maxim, isn't there, um,

1035

01:11:32.870 --> 01:11:37.280

land between claws or something in Latin, um, which I shouldn't attempt to,

1036

01:11:38.460 --> 01:11:41.400

uh, uh, give now. But, uh, it'd be helpful if,

1037

01:11:41.400 --> 01:11:44.880

if we could just see visually the various boundaries of jurisdiction in,

1038

01:11:44.880 --> 01:11:48.160

in terms of local harbor and conservancy functions on the one hand,

1039

01:11:48.180 --> 01:11:53.160

but also planning and highway functions and crown of state that might produce

1040

01:11:53.160 --> 01:11:54.080

quite a crowded plan.

1041

01:11:54.230 --> 01:11:57.280

It's obviously up to the applicant as to what they can do to provide clarity,

1042

01:11:57.300 --> 01:11:58.240

but I think it would really help

1043

01:12:00.700 --> 01:12:01.533

Mr. Greenman.

1044

01:12:02.250 --> 01:12:05.840

Thank, uh, thank you sir. Brian Greenwood for a v p. Uh, thank you, Mr. Owen.

1045

01:12:06.140 --> 01:12:08.720

I'd be delighted to add that into my short note. Uh,

1046

01:12:08.840 --> 01:12:12.480

and we have of course spoken to Northeast Lire Council as Do Boundaries, sir,

1047

01:12:12.480 --> 01:12:15.200

but yes, uh, I, I'm sure that would assist. So

1048

01:12:15.310 --> 01:12:16.020

Yeah, the, the,

1049

01:12:16.020 --> 01:12:20.840

the reason why I was smiling earlier in terms of water levels is I've previously

1050

01:12:21.120 --> 01:12:24.880

involved in it, uh, in my level of authority days where yes,

1051

01:12:24.980 --> 01:12:29.440

it became an issue is again, jurisdiction, uh, with,

1052

01:12:29.990 --> 01:12:32.680  
well, what was the predecessor to M M O.

1053  
01:12:32.700 --> 01:12:37.040  
And it became very difficult to work out where the local  
authorities'

1054  
01:12:37.040 --> 01:12:41.920  
jurisdiction began in versus where their jurisdiction began in and  
who was

1055  
01:12:42.360 --> 01:12:45.880  
required to do habitat regulations assessments at various stages.

1056  
01:12:46.020 --> 01:12:50.000  
And it all got very messy. So yeah,

1057  
01:12:50.240 --> 01:12:53.840  
I think any plan that shows jurisdictions would be of assistance  
because it's

1058  
01:12:53.840 --> 01:12:57.920  
sounding like we, we do have quite a confused regime.

1059  
01:12:59.180 --> 01:13:02.480  
Um, in terms of the interpretation of Roro Union,

1060  
01:13:02.480 --> 01:13:06.240  
really the point that I was seeking to raise, uh,

1061  
01:13:06.240 --> 01:13:09.320  
through putting the matter on the agenda, um,

1062  
01:13:09.860 --> 01:13:13.520  
is that Article 21 talks about, um,

1063  
01:13:14.100 --> 01:13:18.800  
660,000 units per annum. Um,

1064  
01:13:18.900 --> 01:13:23.120  
and really what was behind my concern, um,

1065

01:13:23.540 --> 01:13:27.480

is the actual definition of unit in the act,

1066

01:13:27.620 --> 01:13:30.800

the planning Act 2008 at section 24 6,

1067

01:13:32.260 --> 01:13:37.200

and where any car importation or exporting may sit,

1068

01:13:38.070 --> 01:13:40.800

because as I understand it, a vehicle

1069

01:13:42.620 --> 01:13:47.280

self-propelled when they're, when they're loaded onto a ship,

1070

01:13:47.280 --> 01:13:50.400

whether that's, um, departing or for that matter,

1071

01:13:50.620 --> 01:13:54.840

if they arrive and they're therefore being imported, that would be,

1072

01:13:54.860 --> 01:13:58.880

as I understand it, a unit that however,

1073

01:13:59.660 --> 01:14:02.960

um, once they're being, if they're,

1074

01:14:03.380 --> 01:14:07.520

the vehicles are being delivered to the port for onward trans, uh, transmission,

1075

01:14:07.550 --> 01:14:11.280

they would come on a transport, I would presume. So you might get six, eight,

1076

01:14:11.280 --> 01:14:15.840

however many vehicles on an inbound vehicle. And similarly on the way out,

1077

01:14:16.660 --> 01:14:21.640

if they're being, um, for, I got that the wrong way around, export,

1078

01:14:21.790 --> 01:14:25.960

come in on a transporter, import, go out on transporter,

1079

01:14:27.180 --> 01:14:27.780

um,

1080

01:14:27.780 --> 01:14:32.560

to me it was unclear quite how that 660,000

1081

01:14:32.700 --> 01:14:37.160

number had been derived. Whether if, um,

1082

01:14:37.210 --> 01:14:39.880

there is any intention to move vehicles,

1083

01:14:40.900 --> 01:14:43.520

if there is any intention to move vehicles,

1084

01:14:43.710 --> 01:14:48.680

what implication does that have for the 660,000 unit

1085

01:14:48.820 --> 01:14:53.120

number? Because the unit number definition, as I say in the act,

1086

01:14:53.770 --> 01:14:58.200

seems to be more open than potentially the unit definition that you've got in

1087

01:14:58.200 --> 01:14:59.033

the draft order.

1088

01:15:00.690 --> 01:15:03.520

Thank you, sir. Brian Greenwood, A B P, and you are entirely right to,

1089

01:15:03.620 --> 01:15:07.000

we did spend some considerable time, uh, on,

1090

01:15:07.060 --> 01:15:09.720

on these definitions for the very reason that you, you, you,

1091

01:15:09.720 --> 01:15:13.840

you've just explained. Sir, I would quite like to, um,

1092

01:15:14.390 --> 01:15:19.280

discuss your question with the potential operator of, of, uh, the, the,

1093

01:15:19.300 --> 01:15:24.160

um, three births in that I want to make sure that I don't say anything that they

1094

01:15:24.680 --> 01:15:29.400

disagree with. Would you be, uh, happy if I put that in my, uh, response,

1095

01:15:29.700 --> 01:15:31.480

uh, for deadline one?

1096

01:15:32.750 --> 01:15:35.360

Yeah, as a, as a, in effect, postscript to

1097

01:15:35.920 --> 01:15:39.760

I, there may be one or two, maybe one or two others, uh, and I, I will, uh,

1098

01:15:39.760 --> 01:15:41.000

yeah, note them more

1099

01:15:41.570 --> 01:15:44.760

There. I mean, you will be producing a note, no doubt, uh,

1100

01:15:44.760 --> 01:15:48.000

following on from this hearing. So yeah, that's something, um,

1101

01:15:48.080 --> 01:15:51.520

I think that would be appropriate. But it was just something that, you know,

1102

01:15:51.520 --> 01:15:55.480

when I was reading the order firsthand and got the act out,

1103

01:15:55.840 --> 01:15:59.800

I couldn't quite get the act and what was said in the order to tally.

1104

01:16:03.820 --> 01:16:06.520

So did, uh, Brian Greenwood for a b p, did Mr.

1105

01:16:06.520 --> 01:16:11.000

Walker have any additional points, uh, having drawn attention to, uh,

1106

01:16:12.090 --> 01:16:13.830

Interpretation Article two.

1107

01:16:14.650 --> 01:16:18.710

Um, thank you Mr. Greenwood. Um, yes, Angus Walker for D F T Ss.

1108

01:16:18.750 --> 01:16:23.390

I have a couple of points on article, further points in Article two,

1109

01:16:24.130 --> 01:16:27.990

no D C O hearing would be complete without a discussion of the definition of

1110

01:16:28.350 --> 01:16:32.910

construct and maintain. And so to make this not an exception,

1111

01:16:33.410 --> 01:16:33.850

um,

1112

01:16:33.850 --> 01:16:38.790

we are concerned that construct includes replacing and

1113

01:16:39.350 --> 01:16:43.350

maintain includes reconstruct, um,

1114

01:16:44.720 --> 01:16:47.910

which would appear to go beyond the initial construction of the facility.

1115

01:16:49.050 --> 01:16:54.030



And we expect this D c 0 only to authorize that it to

1116

01:16:54.030 --> 01:16:54.990

be constructed once.

1117

01:16:55.050 --> 01:16:59.870

And the environmental statement assumes presumably that is only being

1118

01:16:59.870 --> 01:17:04.310

constructed and not then subsequently replaced or reconstructed. So

1119

01:17:06.710 --> 01:17:10.800

I think we would hope that the definitions would be restricted to anything that

1120

01:17:10.800 --> 01:17:13.960

was assessed in the environmental statements and not go beyond that.

1121

01:17:15.300 --> 01:17:19.720

The other one other point, and this may seem a little trivial,

1122

01:17:19.720 --> 01:17:23.560

but there's something behind this, is the definition of order limits,

1123

01:17:25.260 --> 01:17:26.093

um,

1124

01:17:27.100 --> 01:17:31.640

is the limits of deviation and the limits of construction activity shown on the

1125

01:17:31.640 --> 01:17:35.000

works plans. Um, if you look at the works plans,

1126

01:17:36.580 --> 01:17:38.600

you don't necessarily need to put them on the screen now,

1127

01:17:38.980 --> 01:17:42.640

it just has a line saying all the limits. It's a bit of a circular,

1128  
01:17:43.940 --> 01:17:48.000  
uh, definition. But, uh, while onshore,

1129  
01:17:48.140 --> 01:17:50.520  
the order limits shown on the works,

1130  
01:17:50.520 --> 01:17:54.360  
plans do go around all the limits of deviation for the individual works

1131  
01:17:54.840 --> 01:17:57.760  
offshore. There is some area of the, um,

1132  
01:17:58.280 --> 01:18:02.880  
Humber that is outside the limits of deviation of the

1133  
01:18:02.880 --> 01:18:03.800  
individual works,

1134  
01:18:04.900 --> 01:18:08.880  
and we weren't sure what was exp what was going to happen in that area. Um,

1135  
01:18:09.740 --> 01:18:13.320  
the only thing I I can think of is that in the deemed marine license,

1136  
01:18:15.250 --> 01:18:20.160  
there is a set of coordinates, let me just go down to it. You,

1137  
01:18:20.260 --> 01:18:23.760  
uh, here we are, no,

1138  
01:18:26.420 --> 01:18:29.720  
yes at, uh, paragraph five of schedule three,

1139  
01:18:30.730 --> 01:18:35.520  
which is where the license holder may carry out a licensed activity.  
Um,

1140  
01:18:36.900 --> 01:18:39.880

and those points in that art, uh,

1141

01:18:39.880 --> 01:18:43.760

that paragraph seem to correspond to the edges of the order limits in the river

1142

01:18:43.960 --> 01:18:44.793

Humber. So

1143

01:18:45.980 --> 01:18:50.960

we were just wondering why the order limits were wider than the limits

1144

01:18:51.020 --> 01:18:53.520

of deviation of all the works, and that,

1145

01:18:53.630 --> 01:18:56.200

that was the only explanation we could find.

1146

01:18:58.650 --> 01:19:00.520

Thank you, Mr. Walker. I, I,

1147

01:19:00.570 --> 01:19:05.320

those questions do overlap with questions we were otherwise going to pose. Um,

1148

01:19:05.800 --> 01:19:08.400

I think it's opportunity just for Greenwood,

1149

01:19:08.740 --> 01:19:11.480

do you have an immediate answer or is it something you'd like to take away and

1150

01:19:11.930 --> 01:19:12.763

respondent

1151

01:19:12.850 --> 01:19:16.280

Brian Greenwood for, uh, a b P? So I'd like to take that away. Uh,

1152

01:19:16.420 --> 01:19:20.840

I'm not sure I've fully understand the, the differentiation, uh,

1153

01:19:20.840 --> 01:19:24.560

but obviously Mr. Walker has got the, got the point. So, um, uh,

1154

01:19:24.780 --> 01:19:29.160

we will come back and, and give, uh, give a response to that as well. I,

1155

01:19:29.280 --> 01:19:32.920

I may cross refer to Mr. Walker, uh, after the examination.

1156

01:19:33.210 --> 01:19:35.640

Thank you. That seems entirely sensible. Um,

1157

01:19:36.080 --> 01:19:40.600

I think the may or may not be any other points of

1158

01:19:40.620 --> 01:19:45.040

interpretation is, uh, anything else. We, I've,

1159

01:19:45.120 --> 01:19:49.320

I have one, uh, if I may just to slip in here. And that is, um,

1160

01:19:50.340 --> 01:19:52.520

interpretation of vessel. Um,

1161

01:19:53.350 --> 01:19:57.160

it's different to that used in multiple, um,

1162

01:19:57.210 --> 01:20:01.720

other made dcos, uh, with marine elements. Um,

1163

01:20:02.140 --> 01:20:05.520

it includes the wording or placement in water,

1164

01:20:06.810 --> 01:20:11.640

which doesn't appear in at least some other dcos.

1165

01:20:11.720 --> 01:20:16.560

I can't claim to be an authority on all of the made dcos. Um,

1166

01:20:17.110 --> 01:20:21.040  
does that have the potential to include fixed structures

1167  
01:20:22.190 --> 01:20:24.120  
such as piles or cassons

1168  
01:20:25.290 --> 01:20:28.720  
Brian Greenwood for a b p? That's certainly not the intention, sir.

1169  
01:20:28.880 --> 01:20:32.560  
I would have another look at the definition and if there's any ambiguity,

1170  
01:20:32.720 --> 01:20:33.410  
I will correct it.

1171  
01:20:33.410 --> 01:20:34.243  
Thank you.

1172  
01:20:46.880 --> 01:20:51.630  
Thank you, sir. Brian Greenwood for a b p. So moving on, sir. Uh, on, uh,

1173  
01:20:51.970 --> 01:20:56.710  
and I'm only picking up major changes, uh, in the, in the draft, uh,

1174  
01:20:57.690 --> 01:20:59.030  
Mr. Walker and, and Mr.

1175  
01:20:59.030 --> 01:21:02.270  
Owen have already drawn attention to limits of deviation. Mr.

1176  
01:21:02.270 --> 01:21:04.190  
Walker has pointed out that, uh,

1177  
01:21:04.730 --> 01:21:08.150  
the way the limits of deviation in Article seven were drafted,

1178  
01:21:08.170 --> 01:21:12.510  
we could actually, uh, take our dredge pocket down to, uh,

1179

01:21:13.290 --> 01:21:17.030

New Zealand or wherever. Uh, we've have corrected that. So it is, uh,

1180

01:21:17.030 --> 01:21:21.390

limited to the, uh, the anticipated maximum depth.

1181

01:21:22.330 --> 01:21:26.470

Um, sir, moving on just to part three,

1182

01:21:26.650 --> 01:21:31.310

powers of acquisition, and I dunno how much you would like to hear. Um, again,

1183

01:21:31.820 --> 01:21:36.750

this is a, uh, hopefully a positive note. Uh,

1184

01:21:37.070 --> 01:21:41.350

bearing in mind you will be scheduling hearings. Uh, you,

1185

01:21:41.410 --> 01:21:43.710

you will see that in the book of reference. Uh,

1186

01:21:44.130 --> 01:21:48.030

we are looking at potential compulsory purchase and compulsory purchase of

1187

01:21:48.050 --> 01:21:52.350

rights. Uh, all of the bodies involved, sir,

1188

01:21:52.530 --> 01:21:56.710

are tenants of A B P A B P is the, uh,

1189

01:21:57.560 --> 01:22:01.590

freeholder statue undertaker, and all of the bodies concerned are,

1190

01:22:02.410 --> 01:22:07.270

uh, tenants, uh, either holding on dcs or licenses. Uh, the one exception,

1191

01:22:07.270 --> 01:22:11.230

of course, sir, is the crown state. Um, but sir,

1192

01:22:11.350 --> 01:22:13.990

I could just go through and give you a, a,

1193

01:22:14.190 --> 01:22:18.750

a very quick summary of the latest position. Uh, the conclusion, by the way,

1194

01:22:18.750 --> 01:22:22.790

of the latest position is that we are very hopeful that, uh,

1195

01:22:22.930 --> 01:22:25.590

in due course, during course of the examination,

1196

01:22:25.770 --> 01:22:30.630

we will be able to say that all of the necessary agreements with the

1197

01:22:30.630 --> 01:22:34.990

tenants have been completed and that we will no longer be seeking any power of

1198

01:22:34.990 --> 01:22:39.190

comp poultry acquisition. I can't say that as yet, sir,

1199

01:22:39.690 --> 01:22:44.430

but for example, um, PK Construction jurors and Malcolm West,

1200

01:22:45.290 --> 01:22:48.790

uh, they are tenants of the port, uh,

1201

01:22:49.500 --> 01:22:54.110

very close and adjacent to the internal bridge. And we are, uh,

1202

01:22:55.380 --> 01:22:57.710

because we are seeking to, uh,

1203

01:22:57.820 --> 01:23:02.470

make a change to the length of the internal bridge that would affect

1204

01:23:02.680 --> 01:23:06.800

their potential future landholding, which when we get to, uh,

1205

01:23:06.820 --> 01:23:11.320

the changes notification you'll see will be to the tenant's benefit.  
Uh,

1206

01:23:11.380 --> 01:23:14.720

so hopefully we will be able to agree leases there. Uh,

1207

01:23:14.860 --> 01:23:19.520

origin are named or we are doing there, sir, is, uh,

1208

01:23:19.760 --> 01:23:24.040

amending their right of way, and a lease is almost complete on that.

1209

01:23:24.780 --> 01:23:27.200

Uh, vw uh,

1210

01:23:27.470 --> 01:23:31.480

they occupy the Western storage area. Uh,

1211

01:23:31.620 --> 01:23:33.360

we are in negotiating, uh,

1212

01:23:33.830 --> 01:23:38.320

negotiation negotiations with them, positive negotiations,

1213

01:23:39.670 --> 01:23:43.800

network rail and DV cargo that was just changing, uh,

1214

01:23:43.880 --> 01:23:48.640

a right of access and that has as good as been agreed so they can  
drop away.

1215

01:23:49.460 --> 01:23:53.640

Um, Exum, uh, that was a, uh,

1216

01:23:54.440 --> 01:23:57.040

question of a potential rights. They have pipes there. Uh,

1217

01:23:57.380 --> 01:23:59.120

we are in negotiation with them,



1218

01:23:59.420 --> 01:24:02.600

and I'm confident that that would be settled because we're not,

1219

01:24:02.600 --> 01:24:06.000

in fact interfering with, with their pipes. Um,

1220

01:24:07.480 --> 01:24:10.240

H O T T and the crown of state, uh,

1221

01:24:11.800 --> 01:24:16.320

H O T T have a mooring boy, and that is located in the water,

1222

01:24:16.860 --> 01:24:20.080

uh, where we wish to construct our three births.

1223

01:24:20.780 --> 01:24:24.160

We are entering into an agreement, which is,

1224

01:24:24.360 --> 01:24:26.600

I understand almost complete,

1225

01:24:26.830 --> 01:24:29.880

whereby the mooring bay will be relocated.

1226

01:24:30.550 --> 01:24:34.400

This does affect the Crown states because technically, uh,

1227

01:24:34.650 --> 01:24:39.280

there H O T T have a lease or license with the Crown Estate.

1228

01:24:39.500 --> 01:24:44.440

So we've had to draw the Crown State into the circle. But once h o t are happy,

1229

01:24:44.510 --> 01:24:49.120

then that aspect of the Crown estate compulsory purchase falls away. And,

1230

01:24:49.340 --> 01:24:53.480

uh, the other details, sir, that we've listed open reach, uh,

1231

01:24:53.940 --> 01:24:57.360

Virgin Cadence, they just have rights existing in the port,

1232

01:24:57.360 --> 01:25:01.560

and we're protecting those through protective provisions. So, sir,  
I,

1233

01:25:01.720 --> 01:25:06.320

I cannot undertake that this will all be complete by the September  
hearings,

1234

01:25:06.320 --> 01:25:09.840

and I know you'll want to, uh, schedule a hearing, but, um,

1235

01:25:10.280 --> 01:25:13.080

I will keep you very fully informed, uh,

1236

01:25:13.100 --> 01:25:16.960

at all deadlines as to where we stand on the negotiations of all of  
the

1237

01:25:16.960 --> 01:25:17.793

interested parties.

1238

01:25:18.260 --> 01:25:22.160

And certainly it is our intention that everything will have been  
settled by the

1239

01:25:22.160 --> 01:25:22.993

time we close.

1240

01:25:25.380 --> 01:25:27.000

Uh, thank you Mr. Greenwood. I mean,

1241

01:25:27.940 --> 01:25:32.720

the need for compulsory acquisition hearing largely will only

1242

01:25:33.210 --> 01:25:37.280

arise if an affected person requests the hearing.

1243

01:25:38.180 --> 01:25:39.320  
Uh, we might,

1244  
01:25:39.500 --> 01:25:44.320  
of course need some sort of light touch hearing for us to

1245  
01:25:44.320 --> 01:25:46.200  
go through, um,

1246  
01:25:46.500 --> 01:25:50.720  
the actual powers that you may or may not be seeking, um,

1247  
01:25:50.860 --> 01:25:53.040  
at the relevant time, um,

1248  
01:25:54.020 --> 01:25:58.480  
and testing those powers against policy and guidance, et cetera.

1249  
01:25:58.820 --> 01:26:03.000  
But that, that's useful to know. Um, but yes,

1250  
01:26:03.140 --> 01:26:07.800  
if you're able to keep us apprised of where you think you are going  
and with

1251  
01:26:07.800 --> 01:26:08.633  
negotiations,

1252  
01:26:08.950 --> 01:26:12.760  
that would assist particularly in us determining where that hearing,

1253  
01:26:13.780 --> 01:26:18.400  
um, might need to be slotted into what might otherwise be  
potentially quite busy

1254  
01:26:18.430 --> 01:26:21.280  
week, uh, during that September session.

1255  
01:26:23.090 --> 01:26:26.120  
Brian Green for the ex, uh, for the A B P? Yes, certainly, sir.

1256

01:26:26.120 --> 01:26:27.800  
We'll make sure you're kept fully informed.

1257  
01:26:29.220 --> 01:26:31.520  
So I think next two points,

1258  
01:26:31.660 --> 01:26:34.880  
one point is a point that actually has been a drawn trial. Sorry,

1259  
01:26:34.880 --> 01:26:36.440  
Can I just, Mr. Walker has his hand up.

1260  
01:26:37.400 --> 01:26:41.600  
I Angus Walker for D F T S. I do have some points on some earlier articles.

1261  
01:26:41.600 --> 01:26:43.720  
We're going a bit fast here.

1262  
01:26:44.200 --> 01:26:48.040  
We're already on part three in according to Mr. Greenwood, but I still,

1263  
01:26:48.160 --> 01:26:51.960  
I have some points on part two. Shall I raise them now?

1264  
01:26:55.180 --> 01:26:57.280  
It would probably seem appropriate so we don't lose them.

1265  
01:26:58.100 --> 01:27:01.960  
So thank you, sir. Um, article six,

1266  
01:27:02.630 --> 01:27:05.720  
maintenance of the authorized development six.

1267  
01:27:05.820 --> 01:27:09.680  
One says the company may at any time maintain the authorized development,

1268  
01:27:09.680 --> 01:27:12.640  
accept the extent that this order or an agreement provides otherwise.

1269

01:27:13.940 --> 01:27:15.960

I'm not sure what sort of agreement would

1270

01:27:17.550 --> 01:27:21.040

involve if it's stopping the company from maintaining the authorized

1271

01:27:21.040 --> 01:27:21.873

development,

1272

01:27:22.060 --> 01:27:26.000

but if it's contemplating that someone else is going to be allowed to maintain

1273

01:27:26.000 --> 01:27:28.960

it, I think that would be outside the powers of such an agreement.

1274

01:27:29.820 --> 01:27:34.680

So I didn't really understand the purpose of Article 6 1 6 2.

Actually,

1275

01:27:34.680 --> 01:27:37.960

going back to my question on the definition of maintain,

1276

01:27:38.030 --> 01:27:40.880

that might cure the issue about maintain,

1277

01:27:40.900 --> 01:27:45.480

but it doesn't cure the issue about construct, which still includes replace,

1278

01:27:46.580 --> 01:27:50.520

um, then on Article seven.

1279

01:27:51.220 --> 01:27:55.080

So unless, oh, Mr. Row would like to say something about that,

1280

01:27:57.090 --> 01:27:57.860

Sorry,

1281

01:27:57.860 --> 01:28:02.680

May I just come in? Thank you Robbie, C L D N on Article six one, um, before Mr.

1282

01:28:02.680 --> 01:28:05.480

Walker moves on, um, I, I,

1283

01:28:05.560 --> 01:28:10.520

I can understand why that exception in paragraph one of Article six would

1284

01:28:10.520 --> 01:28:15.200

be required if the preceding words impose an obligation to

1285

01:28:15.440 --> 01:28:16.440

maintain, but they don't.

1286

01:28:17.230 --> 01:28:21.360

It's just the power to maintain the company may at any time maintain.

1287

01:28:21.420 --> 01:28:25.480

So I don't understand why you then need to accept from that power,

1288

01:28:26.340 --> 01:28:27.173

um,

1289

01:28:28.180 --> 01:28:31.680

the circumstances that are then set out in the rest of the paragraph one. So,

1290

01:28:32.140 --> 01:28:34.600

um, I can understand why there's, why there's a,

1291

01:28:34.720 --> 01:28:38.320

a wish to have a statutory power to maintain. That's perfectly normal. Um,

1292

01:28:38.590 --> 01:28:41.840

because it, it is, but it, but because it would be just a power, not a,

1293

01:28:41.840 --> 01:28:43.920

not a duty, um,

1294

01:28:44.470 --> 01:28:48.800

then I would think that the applicant could consider finishing it halfway

1295

01:28:48.800 --> 01:28:51.240

through the sentence. Thank you.

1296

01:28:57.180 --> 01:28:58.050

Shall I continue?

1297

01:28:58.250 --> 01:28:59.650

I think the best, yeah, if we let Mr.

1298

01:28:59.750 --> 01:29:04.680

Walker continue with his list and then we'll ask Mr. Greenwood to respond.

1299

01:29:05.580 --> 01:29:09.720

Um, Angus Walker for D F T S. So moving on to article seven, uh,

1300

01:29:09.720 --> 01:29:11.080

limits of deviation, Mr.

1301

01:29:11.080 --> 01:29:16.000

Greenwood has acknowledged the the dredge pocket issue that we raise in our

1302

01:29:16.240 --> 01:29:20.000

relevant representation. A second point is that, um,

1303

01:29:21.590 --> 01:29:25.480

article seven a, uh, no, sorry,

1304

01:29:25.480 --> 01:29:28.520

seven B refers to the engineering sections,

1305

01:29:28.520 --> 01:29:33.040

drawings and plans for the vertical deviation. Um,

1306

01:29:33.580 --> 01:29:38.120

in the second iteration of the application after the first one was withdrawn,

1307

01:29:38.700 --> 01:29:41.960

an additional document called a building schedule was added,

1308

01:29:41.970 --> 01:29:46.960

which is reference a p P oh seven eight, which has some heights in it.

1309

01:29:47.140 --> 01:29:48.200

But the,

1310

01:29:48.230 --> 01:29:52.160

this article still continues to refer to the engineering drawings,

1311

01:29:52.860 --> 01:29:57.600

so I dunno if it is, should be updated to refer to this new building schedule.

1312

01:29:59.630 --> 01:30:02.120

That was my Article seven point. Um,

1313

01:30:03.020 --> 01:30:07.240

if my next one is Article 10, which we mentioned, uh, already,

1314

01:30:07.980 --> 01:30:10.240

powers of acquisition. Um,

1315

01:30:12.680 --> 01:30:17.460

the way Article ten one is expressed is very unusual that just the

1316

01:30:17.460 --> 01:30:21.380

company may acquire such rights as maybe required without really

1317

01:30:21.950 --> 01:30:26.260

specifying whether it's outright acquisition or anything less than that.

1318

01:30:27.560 --> 01:30:30.940

One is left wondering what rights are involved.



1319

01:30:31.040 --> 01:30:35.770

And perhaps that means that the maximum power is,

1320

01:30:35.830 --> 01:30:39.450

is to acquire outright, but it's not that clear. Um,

1321

01:30:41.540 --> 01:30:46.220

articles tend to excludes from acquisition,

1322

01:30:46.840 --> 01:30:50.100

um, the land held by the crown, but in fact,

1323

01:30:50.100 --> 01:30:54.860

you still need Crown consent for acquiring other people's interests in

1324

01:30:54.870 --> 01:30:59.260

Crown land. Just to note that. Um, and finally,

1325

01:31:00.360 --> 01:31:03.900

the book of reference, which is a p p 0 1 6,

1326

01:31:05.480 --> 01:31:06.313

um,

1327

01:31:06.660 --> 01:31:11.580

excludes compulsory acquisition for some parcels seven, eight a,

1328

01:31:11.950 --> 01:31:13.900

eight B 10, and 13.

1329

01:31:15.240 --> 01:31:20.180

But this article would still allow them to be acquired despite what it might say

1330

01:31:20.180 --> 01:31:24.660

in the book of reference. It doesn't, um, refer to that.

1331

01:31:25.840 --> 01:31:30.220

Um, my next one is on article 16.

1332

01:31:30.380 --> 01:31:33.180

I might as well, it's very short. It's a very,

1333

01:31:33.250 --> 01:31:37.540

just a drafting issue that Article 16 um,

1334

01:31:37.850 --> 01:31:40.620

says subject to the provisions of paragraph two,

1335

01:31:40.680 --> 01:31:43.300

but it doesn't have a paragraph two, so I dunno if that was missing.

1336

01:31:45.680 --> 01:31:50.580

Um, my next ones are after your next point on the agenda of Article 21.

1337

01:31:50.580 --> 01:31:52.220

So I won't say anymore at this point.

1338

01:31:54.270 --> 01:31:58.780

Thank you, Mr. Walker. Mr. Green, with any response? Brian

1339

01:31:58.840 --> 01:32:01.040

Greenwood for a v p? No, sir. I, I,

1340

01:32:01.480 --> 01:32:05.000

a lot of these points have already been taken, taken up and, uh, I,

1341

01:32:05.300 --> 01:32:09.400

I'm grateful for Mr. Walker. I take it as all very helpful comments and, uh,

1342

01:32:10.380 --> 01:32:12.280

any points that we do not agree with,

1343

01:32:12.440 --> 01:32:17.240

I will of course note in our written representations. So,

1344

01:32:17.420 --> 01:32:22.320

sir, uh, moving on, and that does take me to Article 21 where,

1345  
01:32:22.460 --> 01:32:25.520  
uh, Mr. Walker and indeed Mr. Owen, uh,

1346  
01:32:25.520 --> 01:32:30.040  
have both been concerned about tail pieces. Uh, they're quite correct, uh,

1347  
01:32:30.040 --> 01:32:33.840  
that will be amended and that we amending to cover, to cover that point. Uh,

1348  
01:32:35.380 --> 01:32:38.320  
you have also made the point about H s E earlier on, sir,

1349  
01:32:38.500 --> 01:32:41.040  
and I will make sure that you are given a note, uh,

1350  
01:32:41.310 --> 01:32:45.480  
whether that will be in the same note as the Def D separation of powers.

1351  
01:32:45.710 --> 01:32:47.800  
I'll certainly reference H S E,

1352  
01:32:47.820 --> 01:32:52.460  
but h s s e are also need, need to be looked at on their own as,

1353  
01:32:52.460 --> 01:32:54.060  
as an, an important key body,

1354  
01:32:54.260 --> 01:32:58.660  
particularly if they're not going to participate in, in the examination. But I,

1355  
01:32:58.690 --> 01:33:00.060  
I'll, I'll deal with that. Sir.

1356  
01:33:01.600 --> 01:33:02.433  
Uh,

1357

01:33:03.200 --> 01:33:05.500  
Sir, you've drawn attention to, uh,

1358  
01:33:05.500 --> 01:33:05.940  
Article

1359  
01:33:05.940 --> 01:33:06.773  
22

1360  
01:33:07.440 --> 01:33:10.740  
Before you move on, please. 21. Related to that, of course,

1361  
01:33:10.740 --> 01:33:15.620  
is what the definition my ultimately be for R0

1362  
01:33:15.620 --> 01:33:17.300  
unit in Article two.

1363  
01:33:18.480 --> 01:33:22.020  
Yes, sir. I'm, I'm very conscious of that. Brian Greenwood, a b P.

1364  
01:33:23.600 --> 01:33:28.380  
So sir, moving on to, um, article 22.

1365  
01:33:28.600 --> 01:33:32.220  
You've raised a question about this, this, in fact, sir,

1366  
01:33:33.370 --> 01:33:37.900  
goes back to Mr. Owen and my favorite section,

1367  
01:33:38.160 --> 01:33:43.100  
uh, which, which, uh, Mr. Owen has referenced, uh, which is the open  
port,

1368  
01:33:43.480 --> 01:33:47.740  
uh, power in the 1847 Act. And the,

1369  
01:33:47.800 --> 01:33:51.660  
the way it works is with an open port provided the, uh,

1370  
01:33:52.040 --> 01:33:55.740

vessel wishing to enter the port pays the correct use, uh,

1371

01:33:55.770 --> 01:33:59.140

then a b P has to allow that vessel to enter the port.

1372

01:33:59.730 --> 01:34:04.500

What this provision does is, despite section 33,

1373

01:34:04.640 --> 01:34:08.100

it does allow a b p effectively to say, no,

1374

01:34:08.210 --> 01:34:12.700

this part of the port can only be used for such and such person.

And,

1375

01:34:12.720 --> 01:34:14.420

and that is why that has been included.

1376

01:34:16.640 --> 01:34:20.140

But did you have a specific question on that article, sir? N

1377

01:34:20.380 --> 01:34:23.380

N not expressed other than did it need to be there?

1378

01:34:23.620 --> 01:34:26.900

I think from what's being said, it does need to be done,

1379

01:34:26.920 --> 01:34:31.020

but the explanatory memorandum needs to explain why it needs to be there,

1380

01:34:31.470 --> 01:34:33.940

which is, um, a shortcoming at the moment.

1381

01:34:38.720 --> 01:34:40.220

Mr. First and then Mr. Walker,

1382

01:34:41.480 --> 01:34:46.260

Uh, Robbie o in the c r d n. Thank you, sir. Um, just on article 22,

1383

01:34:46.600 --> 01:34:50.420

uh, our, our point on on it is this,

1384

01:34:50.420 --> 01:34:53.980

that it is indeed a standard provision, um,

1385

01:34:54.480 --> 01:34:57.600

to allow Harbor authorities, uh,

1386

01:34:57.660 --> 01:35:02.400

in effect to delegate from the entitlement that section

1387

01:35:02.400 --> 01:35:06.320

33, if incorporated, uh, confers on,

1388

01:35:07.220 --> 01:35:12.160

uh, prospective Harbor users. Um, the issue here though is,

1389

01:35:12.300 --> 01:35:17.200

is this is, so, you know, the starting point, uh,

1390

01:35:17.340 --> 01:35:20.400

and I take it that this won't change, is that, you know,

1391

01:35:20.400 --> 01:35:23.080

article four incorporates section 33.

1392

01:35:23.660 --> 01:35:28.320

So the open port duty would apply to what is defined as the authorized

1393

01:35:28.320 --> 01:35:32.080

development. So in effect, what the D C O is there to authorize.

1394

01:35:32.540 --> 01:35:33.520

So in the one hand,

1395

01:35:33.940 --> 01:35:37.720

you are giving an open port obligation through incorporation Section 33,

1396

01:35:38.390 --> 01:35:42.640

article 22, then immediately allows, uh,

1397

01:35:43.540 --> 01:35:47.880

the company to, um, uh, take that away, um, by,

1398

01:35:48.420 --> 01:35:50.800

uh, exercising a power to appropriate. And

1399

01:35:52.350 --> 01:35:56.720

that is understandable in the context of, um, a,

1400

01:35:56.840 --> 01:36:00.720

a normal port harbor where you've got a number of different births and other

1401

01:36:00.720 --> 01:36:05.360

facilities, and some are used for regular ferry services, for example.

1402

01:36:05.380 --> 01:36:07.960

And that's exactly what this, uh,

1403

01:36:08.130 --> 01:36:10.360

power to probate allows the Harbor authority to do,

1404

01:36:10.420 --> 01:36:14.280

to set aside certain births for certain regular services. But here,

1405

01:36:15.380 --> 01:36:20.320

you, you, you, you, you, you, you've got a D C O seeking to authorize a scheme,

1406

01:36:20.610 --> 01:36:25.080

which we're told is intended for the benefit of stainer. Um, and,

1407

01:36:25.660 --> 01:36:27.960

uh, uh, and, and, and yet, um,

1408

01:36:28.740 --> 01:36:33.320

and that is presumably why Article 22 would allow the whole scheme that the D C

1409

01:36:33.320 --> 01:36:37.680

0 authorizes to be appropriated for the benefit of stainer. Um,

1410

01:36:38.140 --> 01:36:41.920

and, and yet you've got the open port duty in Article four. So it, it,

1411

01:36:41.920 --> 01:36:45.240

it doesn't really make sense in the context of A D C O for this sort of scheme

1412

01:36:45.250 --> 01:36:49.760

where, uh, uh, you've got one development, which is the subject of the D C O,

1413

01:36:50.010 --> 01:36:52.400

which is on the one hand covered by open port duty,

1414

01:36:52.400 --> 01:36:55.800

then that's being taken away immediately by the power to appropriate.

1415

01:36:55.900 --> 01:37:00.440

And that's very different from a situation where you've got a, a, a a,

1416

01:37:00.980 --> 01:37:04.000

an instrument like a D C O or a Harbor Vision order applying to,

1417

01:37:04.000 --> 01:37:05.680

to the whole of a, of a port or harbor.

1418

01:37:06.100 --> 01:37:09.680

And then individual facilities within it may be appropriated under the

1419

01:37:09.680 --> 01:37:13.000

equivalent of the power of Article 22. So, uh, uh, and,

1420

01:37:13.000 --> 01:37:16.360

and whilst Article 22 is worded to say that the company may from time to time



1421

01:37:16.460 --> 01:37:20.120

set, set apart and appropriate any part of the authorized development,

1422

01:37:20.120 --> 01:37:24.600

it refers to part, um, and again, in paragraph two of Article 22,

1423

01:37:24.760 --> 01:37:29.360

I think the intention we understand, but, but maybe a B P can clarify,

1424

01:37:29.430 --> 01:37:33.960

this is actually the power in Article 22 will be used to appropriate the whole

1425

01:37:34.260 --> 01:37:36.600

of the authorized development for the benefit of Stainer.

1426

01:37:37.350 --> 01:37:38.840

That that is what we understand,

1427

01:37:38.840 --> 01:37:42.040

given that appears to be in the motivations for, for the, uh,

1428

01:37:42.060 --> 01:37:46.400

for the entire application. And it'd be helpful to understand from a b p if, if,

1429

01:37:46.400 --> 01:37:47.680

if we've understood that correctly.

1430

01:37:52.700 --> 01:37:54.560

Mr. Green, uh,

1431

01:37:55.280 --> 01:37:57.710

Sorry, sir, I, I thought Mr. Walker also raised

1432

01:37:57.770 --> 01:38:00.390

His hand. Mine is on Article 21, so perhaps you could.

1433

01:38:02.330 --> 01:38:06.070

So, uh, and, and thank you for that comment. Uh, again, um,

1434

01:38:06.590 --> 01:38:08.990

I I would quite like to, uh,

1435

01:38:10.160 --> 01:38:12.310

leave the answer to that question, uh,

1436

01:38:12.840 --> 01:38:15.870

after I've been able to discuss the details with my client,

1437

01:38:16.010 --> 01:38:19.470

and you'll get a response, uh, in our written representation, sir.

1438

01:38:24.000 --> 01:38:27.230

Thank you, uh, Mr. Walker, going back to 21.

1439

01:38:27.230 --> 01:38:31.870

Thank, thank you, sir. Um, Angus Walker for D F T S, um,

1440

01:38:31.950 --> 01:38:35.950

article 21, this isn't something we put in our relevant representation.

1441

01:38:36.100 --> 01:38:38.670

It's arisen from our transport assessment, essentially,

1442

01:38:39.170 --> 01:38:44.030

is that this contains the cap of 660,000 row row units a year,

1443

01:38:45.290 --> 01:38:47.510

but it's not clear how anyone will know

1444

01:38:49.330 --> 01:38:51.030

is going to be monitoring that,

1445

01:38:51.090 --> 01:38:55.350

or is this entirely up to the applicant to count and,

1446

01:38:55.530 --> 01:38:59.430

and keep to itself how many there are or is it going to report it to anyone? Or,

1447

01:39:00.370 --> 01:39:03.590

we wondered how this was going to be policed to this article

1448

01:39:14.370 --> 01:39:16.590

And sorry, kind of allied to that.

1449

01:39:16.590 --> 01:39:21.030

It was the point that I made earlier that if there is vehicle importation,

1450

01:39:21.030 --> 01:39:23.470

that makes it even more difficult to, to police it.

1451

01:39:26.330 --> 01:39:28.870

Yes, sir. Brian Greenwood for a b p, sir,

1452

01:39:29.200 --> 01:39:32.310

there will be meth methodologies in place. Um,

1453

01:39:33.360 --> 01:39:37.990

could I possibly ask that this is covered in the transport

1454

01:39:38.020 --> 01:39:42.750

session for I S H two? Um, you, uh,

1455

01:39:42.890 --> 01:39:47.350

for I s H two, you haven't actually asked for a summary, but, uh,

1456

01:39:47.930 --> 01:39:52.510

we were proposing to give you an outline and we would include answers for that,

1457

01:39:52.690 --> 01:39:56.110

uh, on, on Thursday morning. If, if that would be, uh,

1458

01:39:57.910 --> 01:39:58.743

sufficient,

1459

01:40:02.280 --> 01:40:03.113  
That'll be fine.

1460  
01:40:03.440 --> 01:40:04.273  
Okay,

1461  
01:40:12.810 --> 01:40:17.630  
So Brian Greenwood for a v p. Uh, so some of the points that Mr.

1462  
01:40:17.630 --> 01:40:19.350  
Walker probably wants to make, um,

1463  
01:40:19.780 --> 01:40:23.870  
regarding points he's already raised in relevant representations I  
have actually

1464  
01:40:23.870 --> 01:40:28.230  
taken on board. Uh, so I won't go through those. Um, but,

1465  
01:40:28.690 --> 01:40:29.523  
um,

1466  
01:40:32.650 --> 01:40:36.670  
the next question for you, sir, from you sir, is, uh,

1467  
01:40:37.260 --> 01:40:40.430  
article 28 agreement with Highway Authorities.

1468  
01:40:40.570 --> 01:40:44.470  
Unless there's something I, Mr. Walker does have one or two points  
before that,

1469  
01:40:44.530 --> 01:40:46.190  
but I have taken those on board. So,

1470  
01:40:47.890 --> 01:40:48.830  
Um, and Mr.

1471  
01:40:48.830 --> 01:40:53.760  
Walker for the F D s I will await to see the revised draft

1472

01:40:53.960 --> 01:40:56.440  
D C O in that case and won't, won't need to raise.

1473  
01:40:56.720 --> 01:40:59.880  
I I wouldn't mind a break soon, if that's all right with you.

1474  
01:41:06.740 --> 01:41:08.000  
We are literally coming up to quarter pass.

1475  
01:41:08.000 --> 01:41:12.080  
Would this be a convenient point to take the break? Um,

1476  
01:41:13.170 --> 01:41:15.880  
we'll re resumption at half past four,

1477  
01:41:15.880 --> 01:41:20.160  
so that's about 17 minutes be okay. So, okay,

1478  
01:41:20.260 --> 01:41:23.120  
we adjourn then to half past four. Thank you very much.

1479  
01:41:26.430 --> 01:41:31.000  
Well, it looks like everybody in the room is back, so it's half past four.

1480  
01:41:31.140 --> 01:41:34.000  
The hearing is resumed. Uh, Ms. Hutson,

1481  
01:41:34.000 --> 01:41:36.640  
can I just check that you are still online?

1482  
01:41:39.940 --> 01:41:41.240  
Yes, sir, I'm still here.

1483  
01:41:46.270 --> 01:41:50.610  
Uh, Mr. Green, I think you are about to talk to, um,

1484  
01:41:50.760 --> 01:41:53.770  
article 28. Really,

1485  
01:41:53.870 --> 01:41:57.010

if I can circumvent maybe what you're about to say. Really,

1486

01:41:57.010 --> 01:42:00.970

the query was what agreements, uh,

1487

01:42:01.340 --> 01:42:03.570

might lie behind Article 28.

1488

01:42:05.820 --> 01:42:10.450

Thank you, sir. Brian Greenwood, A B P. And sir, thank you. Uh,

1489

01:42:11.190 --> 01:42:15.530

the agreement will be a section 2 7 8 agreement, uh, with the, uh,

1490

01:42:15.600 --> 01:42:17.130

highway authority, uh,

1491

01:42:17.130 --> 01:42:21.890

Northeast li of council negotiations are already underway and the intention

1492

01:42:22.110 --> 01:42:26.410

is to complete the Section 2 7 8 agreement so that, uh,

1493

01:42:26.410 --> 01:42:30.410

you can take it away with you by the close of the examination.

1494

01:42:30.830 --> 01:42:34.490

And that is all in relation to the proposed improvements to Eastgate.

1495

01:42:42.270 --> 01:42:46.610

And is that intended to be the only agreement under Article 28,

1496

01:42:49.580 --> 01:42:52.970

Brian Greenwood for a v p? Yes, as far as this case is concerned,

1497

01:42:52.970 --> 01:42:54.930

that was the only agreement that Buber required,

1498

01:42:55.560 --> 01:42:57.290

Then perhaps, uh,

1499

01:42:57.290 --> 01:43:01.770

there needs to be a slight redrafting that just refers to the singular 'cause.

1500

01:43:01.770 --> 01:43:04.650

It was begging the question as to what might have, uh, Mr. Tarone

1501

01:43:06.760 --> 01:43:10.050

Robo for C L D N. Uh, thank you, sir. We, we,

1502

01:43:10.050 --> 01:43:14.010

we also were slightly perplexed by, uh, this article, um,

1503

01:43:14.870 --> 01:43:19.530

in the, its drafting is relatively standard and is included in numerous dcos.

1504

01:43:19.840 --> 01:43:24.650

However, it's, it's not clear why it's been included in this draft.

1505

01:43:24.810 --> 01:43:26.130

D C O, uh,

1506

01:43:28.150 --> 01:43:31.610

in indeed the only provision of this draft order that contains powers in

1507

01:43:31.810 --> 01:43:34.450

relation to streets is this article. Um,

1508

01:43:34.870 --> 01:43:38.770

and therefore we're not clear what power then is proposed to be

1509

01:43:39.850 --> 01:43:44.770

exercise pursuant to an agreement made under subparagraph one A and

1510

01:43:44.790 --> 01:43:46.090

two A. And, and the,

1511

01:43:46.390 --> 01:43:49.930  
the explanatory memorandum doesn't really help with this question.  
We, we,

1512  
01:43:49.950 --> 01:43:53.080  
we note that the consents and agreements position statement,

1513  
01:43:53.080 --> 01:43:56.920  
that's a P P 1 1 0 in table one,

1514  
01:43:57.060 --> 01:43:58.480  
row seven on page 12,

1515  
01:43:58.530 --> 01:44:02.480  
makes reference to entering into agreements under the Highways Act  
with

1516  
01:44:02.750 --> 01:44:06.160  
Northeast Link Re Council. Um, which,

1517  
01:44:06.160 --> 01:44:09.760  
which it said are required to allow any works to public highway.

1518  
01:44:11.100 --> 01:44:15.320  
And presumably this is a reference to works in the highway to  
mitigate the

1519  
01:44:15.320 --> 01:44:17.680  
adverse transport effects of the proposed scheme.

1520  
01:44:18.900 --> 01:44:22.040  
But those measures aren't included within, within the order.

1521  
01:44:22.220 --> 01:44:26.880  
And so would potentially require planning permission under the

1522  
01:44:27.080 --> 01:44:32.080  
Tana Country Planning Act 1990 and assessment of the environmental  
effects of

1523  
01:44:32.080 --> 01:44:34.320  
those highway works. Uh,



1524

01:44:34.470 --> 01:44:38.760

they would potentially require the 1980 Act,

1525

01:44:39.460 --> 01:44:42.160

uh, agreements to be entered into, as Mr. Agreement has said, and

1526

01:44:43.670 --> 01:44:48.320

potentially would require a B P to secure interest in land

1527

01:44:48.320 --> 01:44:51.000

necessary to carry out the works. We, we, we don't know,

1528

01:44:51.000 --> 01:44:55.160

and it just calls into question to our mind the, uh, uh, uh,

1529

01:44:55.380 --> 01:44:59.640

AB P's ability to deliver the mitigation necessary for the scheme,

1530

01:45:00.300 --> 01:45:03.640

uh, and indeed the adequacy of the environmental mitigation we've been presented

1531

01:45:03.640 --> 01:45:04.473

with in this respect.

1532

01:45:04.500 --> 01:45:09.040

So I think some clarity dealing with those matters I've raised would be

1533

01:45:09.470 --> 01:45:11.080

much appreciated. Thank you,

1534

01:45:31.930 --> 01:45:33.470

Mr. Greenwood. Any response?

1535

01:45:33.640 --> 01:45:35.590

Thank you, sir. Brian Greenwood, a b

1536

01:45:35.670 --> 01:45:36.270

P, uh,

1537

01:45:36.270 --> 01:45:39.550

Certainly we will provide clarity. We we're not in fact doing, uh,

1538

01:45:40.360 --> 01:45:42.430

works in the public highway, uh,

1539

01:45:43.730 --> 01:45:47.950

in relation to this development apart from a small sliver of land,

1540

01:45:47.950 --> 01:45:50.870

which is actually next door to the Eastgate, uh,

1541

01:45:50.870 --> 01:45:54.750

because we're going to have to widen the bell mouth and access. And that is,

1542

01:45:54.750 --> 01:45:58.790

that is what is about what we would do, sir, is explain in our written reps,

1543

01:45:58.790 --> 01:46:01.710

and I will expand the explanatory memorandum to cover that point.

1544

01:46:03.400 --> 01:46:04.190

Thank you.

1545

01:46:04.190 --> 01:46:08.950

I think if you like to save duplication in submissions,

1546

01:46:09.540 --> 01:46:13.510

certainly full matters, um, that need further explanation,

1547

01:46:13.570 --> 01:46:17.990

the probably the best place to put it will be the explanatory memorandum. Uh,

1548

01:46:18.050 --> 01:46:22.190

and then in your, if you like, post-hearing summary, um,

1549

01:46:22.660 --> 01:46:25.710

just flag that the matter's been dealt with, but it's,

1550

01:46:25.780 --> 01:46:27.830

it's been dealt with in the explanatory memorandum,

1551

01:46:27.830 --> 01:46:32.110

I think it just reduces the volume of stuff that people have to read.

1552

01:46:33.760 --> 01:46:36.470

Brian Green for a v p. Thank you very much, sir. That's very helpful.

1553

01:46:36.770 --> 01:46:41.030

It also reduces the amount of stuff that I have to write, so, uh, yes.

1554

01:46:42.130 --> 01:46:47.030

So sir, um, carrying on your next question, um,

1555

01:46:47.890 --> 01:46:52.640

is regard to Article 37 procedure in relation to appeals under the

1556

01:46:52.640 --> 01:46:53.760

Control of Pollution Act

1557

01:46:59.540 --> 01:47:02.280

To assist. Shall I put the, the question in the concern?

1558

01:47:02.560 --> 01:47:04.720

'cause it might be easier, um,

1559

01:47:06.830 --> 01:47:10.680

Because this has certainly cropped up in a few cases that I've dealt with.

1560

01:47:11.980 --> 01:47:12.630

Um,

1561

01:47:12.630 --> 01:47:17.320

what you are seeking to do under Article 37 is in effect in

1562

01:47:17.640 --> 01:47:18.800

response to, um,

1563

01:47:19.670 --> 01:47:23.160

what shouldn't an appeal arise out of either,

1564

01:47:24.460 --> 01:47:28.760

um, a notice being served under Section 60 or,

1565

01:47:29.820 --> 01:47:30.300

uh,

1566

01:47:30.300 --> 01:47:34.400

in effect consent being given under Section 61 of the Control of Pollution Act,

1567

01:47:35.220 --> 01:47:39.880

you are seeking to have any necessary appeal dealt with by the Secretary of

1568

01:47:39.880 --> 01:47:44.560

State rather than via the magistrate's court. Um,

1569

01:47:45.140 --> 01:47:50.000

now that potentially raises a difficulty in that

1570

01:47:50.500 --> 01:47:54.320

if that appeal is dismissed. Um,

1571

01:47:54.740 --> 01:47:58.840

the matter then has to be referred to the magistrate's court if,

1572

01:47:59.980 --> 01:48:04.320

um, the local authority wishes to pursue a prosecution,

1573

01:48:04.320 --> 01:48:09.200

which all starts to get rather convoluted where it

1574

01:48:09.200 --> 01:48:13.080

is. If the appeal goes directly to the magistrates,

1575

01:48:13.940 --> 01:48:15.080

as I understand it,

1576

01:48:15.190 --> 01:48:19.360

they will deal with the appeal and concurrently deal with

1577

01:48:19.980 --> 01:48:24.920

any penalty if the appeal is dismissed. Um,

1578

01:48:25.220 --> 01:48:29.160

and certainly, um, if I recall correctly,

1579

01:48:29.270 --> 01:48:33.880

when M 25 Junction 10 a three, uh,

1580

01:48:33.880 --> 01:48:37.080

which is a made d c o was dealt with, uh,

1581

01:48:37.080 --> 01:48:41.120

the examining authority of which I was a part, we recommended, um,

1582

01:48:41.310 --> 01:48:46.120

that this appeal mechanism should not be included and it was written

1583

01:48:46.300 --> 01:48:48.560

out. Um, I then,

1584

01:48:48.830 --> 01:48:53.320

when I dealt with the Little Crow Solar Farm, encountered a similar issue,

1585

01:48:54.180 --> 01:48:55.720

um, and, um,

1586

01:48:56.200 --> 01:49:00.560

persuaded the applicant to remove the provision, um,

1587

01:49:00.910 --> 01:49:02.960

from what was their final draft order.

1588

01:49:03.420 --> 01:49:06.160

And there is no such provision in the made order.

1589

01:49:08.380 --> 01:49:12.920

You might be guessing what might be coming down the line if it remains in the

1590

01:49:12.920 --> 01:49:15.600

draft order. Uh, interviews Mr. Greenwood,

1591

01:49:15.980 --> 01:49:17.800

Uh, Brian Greenwood for a v p.

1592

01:49:17.980 --> 01:49:22.040

So your comments are noted and will be taken forward. So, we'll,

1593

01:49:22.040 --> 01:49:25.800

we will have a look and, uh, if necessary, apply the red pen.

1594

01:49:31.470 --> 01:49:32.303

Mr. Owen.

1595

01:49:32.950 --> 01:49:36.650

Uh, thank you sir. Robbie Owen for C L D N. Um, can I just, uh, uh,

1596

01:49:36.910 --> 01:49:38.730

add our two pennyworth here? Uh,

1597

01:49:38.850 --> 01:49:43.010

'cause it is a article of concern to us in that, um, as you say,

1598

01:49:43.010 --> 01:49:48.000

it's intended to modify the appeals procedures under section 60 and 61 of the

1599

01:49:48.000 --> 01:49:52.400

Controller Pollution Act, uh, 1974. So that appeals are determined by,

1600

01:49:52.940 --> 01:49:56.800

uh, the central state and not the magistrate's court. Uh, we, we,

1601

01:49:56.800 --> 01:49:59.280

we note that the expansion memorandum, uh,

1602

01:49:59.300 --> 01:50:03.840

at paragraph 10.21 cites the thas water

1603

01:50:04.510 --> 01:50:07.960

utilities, uh, the Thames Tideway Tunnel order, uh,

1604

01:50:08.420 --> 01:50:12.520

2014 as a precedent. Uh, it, it should be noted of course,

1605

01:50:12.520 --> 01:50:17.360

that the Thames Tideway project is a 25 kilometer super sewer

1606

01:50:17.360 --> 01:50:21.520

cutting under the densely populated capital city of London. And, and it,

1607

01:50:21.660 --> 01:50:25.960

we don't think it's, it's right to say this is, you know, this is this,

1608

01:50:26.030 --> 01:50:29.640

this is a standard article routinely included in dcos. And,

1609

01:50:29.640 --> 01:50:33.240

and I think what you've just said, sir, bears that out. The, the, the,

1610

01:50:33.240 --> 01:50:37.920

the expansion memorandum does not explain why its inclusion in this draft order

1611

01:50:37.920 --> 01:50:41.920

is justified in the circumstances of this project. And indeed,

1612

01:50:42.000 --> 01:50:46.960

a concern we have is that what we regard as being excessive provisions

1613

01:50:46.960 --> 01:50:51.480  
relating to noise nuisance are a running theme in the drafting of  
the order.

1614  
01:50:52.460 --> 01:50:56.960  
See, for example, article 29, paragraph three, which, uh,

1615  
01:50:56.960 --> 01:50:59.960  
includes novel drafting, which we're told, um,

1616  
01:51:00.580 --> 01:51:05.480  
by paragraph 10.4 of the expansion memorandum has been

1617  
01:51:05.790 --> 01:51:07.800  
adopted in various rail schemes,

1618  
01:51:07.860 --> 01:51:11.760  
not least phase one of HSS two and

1619  
01:51:12.460 --> 01:51:17.200  
indeed the current phase two B bill currently

1620  
01:51:17.200 --> 01:51:19.280  
before Parliament. And again,

1621  
01:51:19.280 --> 01:51:22.560  
that provision has the effect of further curtailing the ability of  
local

1622  
01:51:22.870 --> 01:51:27.200  
environmental health officers from bringing proceedings under the  
Environmental

1623  
01:51:27.200 --> 01:51:31.680  
Protection Act 1990 for statutory noise nuisance. And again,

1624  
01:51:31.700 --> 01:51:35.400  
we say that is not a provision routinely included in development  
consent orders

1625  
01:51:35.460 --> 01:51:40.440  
for schemes of the nature of this project. And I, I think it'd be



helpful,

1626

01:51:41.460 --> 01:51:45.120

um, as part of any, uh,

1627

01:51:45.620 --> 01:51:49.040

red pen exercise that Mr. Greenwood referred to, uh, if,

1628

01:51:49.100 --> 01:51:53.480

if in relation to any remaining provisions of this nature that the expansion

1629

01:51:53.480 --> 01:51:58.480

memorandum could explain, uh, why, uh,

1630

01:51:58.480 --> 01:52:02.800

measures to avoid public health authorities taking action to abate noise

1631

01:52:03.120 --> 01:52:07.120

nuisance are justified in the public interest in the case of this project.

1632

01:52:08.460 --> 01:52:09.293

You know,

1633

01:52:10.000 --> 01:52:13.440

I I just conclude by saying this development is very different in character

1634

01:52:13.440 --> 01:52:17.440

quite clearly to the large scale, linear, uh,

1635

01:52:18.030 --> 01:52:22.600

largely not entirely railway projects cutting through, you know,

1636

01:52:22.600 --> 01:52:25.520

density populated areas that are cited as precedents. Um,

1637

01:52:25.780 --> 01:52:30.440

so if that could be reconsidered, we'd be very grateful. Thank you,

1638  
01:52:33.580 --> 01:52:34.340  
Mr. Greenwood.

1639  
01:52:34.340 --> 01:52:38.920  
Any observations given the examining authority is concerned anyway?  
Yes,

1640  
01:52:39.020 --> 01:52:43.040  
No, sir. Uh, I, I've noted your comments, I've noted the helpful  
comments of Mr.

1641  
01:52:43.040 --> 01:52:47.480  
Owen, and we'll take that one forward, sir. So sir,

1642  
01:52:47.500 --> 01:52:49.040  
moving on. Um,

1643  
01:52:49.430 --> 01:52:53.880  
just ready to note for the record that when you do see the track  
change, d c o,

1644  
01:52:54.220 --> 01:52:59.040  
um, articles 38 to 41 do involve Trinity House.

1645  
01:52:59.180 --> 01:53:03.720  
And as I mentioned earlier, we've been in discussions with Trinity  
House. Uh,

1646  
01:53:04.030 --> 01:53:06.200  
they have made certain proposals to us,

1647  
01:53:06.200 --> 01:53:09.160  
which we have accepted in their entirety. Um,

1648  
01:53:09.610 --> 01:53:12.720  
their lawyers are just checking with their client to make sure there  
is nothing

1649  
01:53:12.720 --> 01:53:14.160  
else, but hopefully, uh,

1650

01:53:14.190 --> 01:53:18.000

that will mean that those provisions are accepted by Trinity House and Trinity

1651

01:53:18.000 --> 01:53:22.200

House will not wish to participate further in the examination.

1652

01:53:24.300 --> 01:53:28.000

And sir, that then takes me, um, to Crown rights,

1653

01:53:28.000 --> 01:53:32.720

and I believe this is a point that you've raised as well. If I could set, uh,

1654

01:53:32.720 --> 01:53:36.160

the position in context, sir. Um, uh, ab Sorry,

1655

01:53:36.160 --> 01:53:40.360

Sorry, Mr. Green, there may just be an easier, uh, response.

1656

01:53:40.460 --> 01:53:45.200

Really what I was seeking here, uh, was confirmation,

1657

01:53:45.580 --> 01:53:50.040

um, that the dialogue is ongoing. There is reference, I think to,

1658

01:53:50.500 --> 01:53:54.320

uh, in the application documents that Crown Estate are in agreement.

1659

01:53:55.340 --> 01:53:57.680

Um, is,

1660

01:53:57.860 --> 01:54:00.760

is that agreement in any form of writing as of yet,

1661

01:54:01.770 --> 01:54:06.720

Brian Greenwood, uh, of a b p? No, sir. It is not in writing as yet. Uh,

1662

01:54:06.980 --> 01:54:07.960

in that, uh,

1663

01:54:08.480 --> 01:54:13.440

A B P is dealing obviously with the Crown State almost on a weekly, uh, process,

1664

01:54:13.840 --> 01:54:15.840

bearing in mind that they own the Humber. Uh,

1665

01:54:15.840 --> 01:54:19.960

there are negotiations that are going, uh, on at the moment. Uh,

1666

01:54:20.500 --> 01:54:25.040

the Crown State have instructed their lawyers and we are in negotiation with

1667

01:54:25.040 --> 01:54:27.920

their lawyers. When it comes down to its, uh,

1668

01:54:27.940 --> 01:54:31.480

it is a standard agreement that a p p has with the Crown State, uh,

1669

01:54:31.500 --> 01:54:34.200

has had on a number of occasions, it involves, uh,

1670

01:54:34.680 --> 01:54:38.680

a B P entering into an agreement and then a b p paying, uh,

1671

01:54:38.900 --> 01:54:43.120

to the Crown State a certain amount of money for permission to construct, uh,

1672

01:54:43.220 --> 01:54:47.800

on their land that that is underway and, uh, will be dealt with,

1673

01:54:48.100 --> 01:54:52.040

uh, very quickly, I hope in that, uh,

1674

01:54:52.210 --> 01:54:56.600

pin's advice I do note is that matters with the crown of state should readily

1675

01:54:56.630 --> 01:55:00.640

have been dealt with earlier, and I have reminded the crown of state of that,

1676

01:55:00.820 --> 01:55:02.720  
but it hasn't happened, I'm afraid.

1677

01:55:05.040 --> 01:55:08.160  
I think what we would ask is regular updates, um,

1678

01:55:08.160 --> 01:55:10.600  
because if it's a lingering issue, it,

1679

01:55:10.980 --> 01:55:15.840  
it will create a problem potentially at reporting. And of course,

1680

01:55:15.950 --> 01:55:19.360  
once the report leave, well, once the examination closes, um,

1681

01:55:20.410 --> 01:55:24.640  
we've got no further sway in in, in trying to push things along.

1682

01:55:25.820 --> 01:55:29.120  
Uh, Brian Greenwood for a b p sir, if it is a lingering issue,

1683

01:55:29.130 --> 01:55:32.800  
it'll be a serious problem for myself, so I will certainly keep you informed.

1684

01:55:34.210 --> 01:55:35.043  
Thank you.

1685

01:55:57.510 --> 01:55:58.343  
Uh,

1686

01:55:59.390 --> 01:55:59.910  
It should,

1687

01:55:59.910 --> 01:56:03.570  
Oh, I do, I do apologize. Brian Greenwood for, uh,

1688

01:56:03.770 --> 01:56:08.050

a B p I believe we've moved to the schedules now, sir. Um,

1689

01:56:09.470 --> 01:56:11.850

and I think your question, or you,

1690

01:56:11.910 --> 01:56:15.930

you tabbed a point on amendments to approved details else.

1691

01:56:22.070 --> 01:56:24.890

Yes. And this really actually touches on the point, I think it was Mr.

1692

01:56:24.890 --> 01:56:29.890

Walker made earlier, um, or it might have been Mr. Owen,

1693

01:56:29.960 --> 01:56:34.730

forgive me, um, in effect,

1694

01:56:35.390 --> 01:56:37.610

um, revising the scheme and,

1695

01:56:37.630 --> 01:56:42.290

and where does that sit in terms of the worst case that's been assessed within

1696

01:56:42.590 --> 01:56:46.090

the application or the, the environmental statement? I think actually it was Mr.

1697

01:56:46.090 --> 01:56:50.170

Walker that raised the point. It, it, it really,

1698

01:56:50.210 --> 01:56:53.490

I think it's a question of looking at the drafting, um,

1699

01:56:53.910 --> 01:56:58.770

seeing whether it needs to be tightened, uh, to ensure that there is no, um,

1700

01:56:59.650 --> 01:57:02.370

movement away from what's been assessed in the R statement.

1701

01:57:04.860 --> 01:57:07.570

Brian Green for a v p. Thank you for that, sir. Um,

1702

01:57:08.630 --> 01:57:11.890

that's a very important point which we will be looking at, uh,

1703

01:57:11.890 --> 01:57:16.730

particularly in the context of our changes in that. Uh, uh,

1704

01:57:16.910 --> 01:57:20.850

the, the third element of the changes I mentioned involve the UK border force.

1705

01:57:21.430 --> 01:57:22.450

Uh, if,

1706

01:57:22.550 --> 01:57:27.490

if we haven't actually refined the total details for, for that building,

1707

01:57:27.630 --> 01:57:32.530

we may be wanting to, uh, go through the local authority to approve details. Uh,

1708

01:57:32.690 --> 01:57:37.530

I would tie that requirement together so with also

1709

01:57:37.850 --> 01:57:42.210

a requirement, uh, seven, uh, in fact,

1710

01:57:42.410 --> 01:57:47.250

I might rearrange and put, uh, our requirement seven in front of,

1711

01:57:47.350 --> 01:57:50.770

uh, requirement three. That might be a logical placement, but, uh, uh,

1712

01:57:50.770 --> 01:57:53.330

you'll see that in the, uh,

1713

01:57:53.420 --> 01:57:56.570

track change D c o and the explanatory memorandum.

1714

01:58:06.060 --> 01:58:07.000

So sorry,

1715

01:58:07.000 --> 01:58:11.960

Just if, if you are going to changing the running order of the requirements,

1716

01:58:12.700 --> 01:58:17.160

uh, I think it would be useful for everybody if that's done sooner rather than

1717

01:58:17.210 --> 01:58:18.043

later,

1718

01:58:18.340 --> 01:58:22.920

so that we do don't get too wedded with the running order that we've got

1719

01:58:23.140 --> 01:58:25.520

now, and then suddenly four months later,

1720

01:58:25.530 --> 01:58:28.200

we're all starting to talk about a slightly different running order,

1721

01:58:28.200 --> 01:58:30.000

which might get rather confusing.

1722

01:58:31.730 --> 01:58:35.320

Thank you, sir. Brian Greenwood, a b P that's fully understood and uh,

1723

01:58:35.520 --> 01:58:39.160

I hope that will be the only change in running order I will be suggesting,

1724

01:58:41.180 --> 01:58:46.000

sir, I think that then takes us to noise insulation. Oh, sorry, sir.

1725

01:58:47.840 --> 01:58:50.300

May I just hold you for a second while we just confirm



1726

01:59:13.580 --> 01:59:17.640

Mr. Greenwood, uh, just before we pass too quickly on, um,

1727

01:59:17.870 --> 01:59:21.600

article 44, IMing Dock bylaws 1929,

1728

01:59:22.820 --> 01:59:27.520

um, forgive me if we've missed them, but are they in the examination library?

1729

01:59:27.880 --> 01:59:31.880

I, I sense not, and question I think for you is,

1730

01:59:32.170 --> 01:59:35.800

would it be helpful to the examination to have them in,

1731

01:59:37.060 --> 01:59:40.920

Uh, Brian Green would a b p and sir, they are not in the library,

1732

01:59:41.360 --> 01:59:44.640

I believe looking at my colleagues shaking head, uh,

1733

01:59:44.640 --> 01:59:49.040

they certainly would be helpful. So sir, if I may, I I will pass 'em to, uh,

1734

01:59:49.660 --> 01:59:52.000

uh, pins and get them included.

1735

01:59:52.090 --> 01:59:52.923

Thank you.

1736

01:59:57.700 --> 02:00:01.800

So, sir, that takes me to, sorry, you're still writing, so may I,

1737

02:00:02.900 --> 02:00:07.800

oh, no it doesn't, uh,

1738

02:00:07.980 --> 02:00:08.880

Mr. Row first.

1739

02:00:10.730 --> 02:00:13.880

Thank you. So may, may I just come in on requirement three before we move on.

1740

02:00:14.460 --> 02:00:18.320

Um, we, we have a different point here in that, um,

1741

02:00:18.820 --> 02:00:23.400

whilst the drafting of this requirement is relatively standard, uh, um,

1742

02:00:24.740 --> 02:00:25.340

We, we, we,

1743

02:00:25.340 --> 02:00:29.440

we think placed in the context of the drafting of this schedule of requirements,

1744

02:00:29.460 --> 02:00:34.040

it is problematic in that there is no obligation within any of the

1745

02:00:34.040 --> 02:00:38.840

requirements for a B P to maintain a publicly accessible register

1746

02:00:39.740 --> 02:00:44.080

of requirements recording what has been approved under them.

1747

02:00:45.220 --> 02:00:49.800

And if there is no accessible record of determinations made under requirements,

1748

02:00:50.140 --> 02:00:50.500

um,

1749

02:00:50.500 --> 02:00:55.440

it would we think inhibit the practical ability of the local planning

1750

02:00:55.440 --> 02:00:59.760

authority and those adversely affected by the proposed development from

1751

02:00:59.760 --> 02:01:04.400

monitoring compliance and taking enforcement action where appropriate. Um,

1752

02:01:06.020 --> 02:01:09.920

and it's not just a matter for the local planning authority. Uh,

1753

02:01:09.920 --> 02:01:14.760

they're not the only body obliged to consider a b submissions

1754

02:01:14.760 --> 02:01:18.280

under these requirements, for example, requirement 18, paragraph three,

1755

02:01:18.740 --> 02:01:20.280

impact protection measure measures,

1756

02:01:20.280 --> 02:01:24.520

which we come on to discuss requires the consent of the Harbor Master and

1757

02:01:24.520 --> 02:01:25.280

requirement nine,

1758

02:01:25.280 --> 02:01:29.080

dealing with surf surface water drainage requires the approval of the drainage

1759

02:01:29.090 --> 02:01:31.360

board. And we do think, uh,

1760

02:01:31.380 --> 02:01:35.200

as you see in other development consent orders and, and, uh,

1761

02:01:35.310 --> 02:01:38.720

certainly the chair of the panel will know from his experience of National

1762

02:01:38.720 --> 02:01:43.000

Highways dcos that, um, that there is, uh,

1763

02:01:43.600 --> 02:01:43.960

a need,

1764

02:01:43.960 --> 02:01:48.360

we think in the interest of good administration and effective enforcement for

1765

02:01:49.040 --> 02:01:53.440

a B P to be obliged under the D C O to keep a record of all determinations

1766

02:01:54.190 --> 02:01:58.800

made under these requirements to maintain that record and make it publicly

1767

02:01:58.800 --> 02:02:03.200

available preferably via, um, a, a website at least,

1768

02:02:03.380 --> 02:02:07.760

and maybe also through physical means for those who aren't able to access the

1769

02:02:07.960 --> 02:02:08.793

internet. Um,

1770

02:02:09.100 --> 02:02:11.960

so that would be the point we'd make on requirement three so that people can

1771

02:02:11.960 --> 02:02:15.040

track, um, uh,

1772

02:02:15.270 --> 02:02:20.240

both approvals given under requirements and insofar as those approvals might

1773

02:02:20.240 --> 02:02:25.000

then be changed and reapproved, you know, what, what's been, what's,

1774

02:02:25.140 --> 02:02:28.160

you know, what the current position is in relation to each of the requirements,

1775

02:02:28.160 --> 02:02:31.880

where they are in their discharge journey, if I can put it that way.  
Thank you,

1776

02:02:39.610 --> 02:02:40.990

Mr. Greenwood. Uh,

1777

02:02:41.320 --> 02:02:44.150

Brian Greenwood, a b p certainly, sir. Thank you for that.

1778

02:02:44.170 --> 02:02:47.950

We will look at precedents and, and, uh, adopt something if it is,  
uh,

1779

02:02:48.390 --> 02:02:49.223

considered appropriate.

1780

02:02:59.880 --> 02:03:00.713

Mr. Walker?

1781

02:03:01.230 --> 02:03:05.860

Thank you sir. Angus Walker for D F D S, um, if I can go back to  
schedule one,

1782

02:03:06.680 --> 02:03:10.220

um, I have a couple of points on the extent of the works.

1783

02:03:10.480 --> 02:03:12.460

I'm not sure if that's appropriate for this hearing.

1784

02:03:13.360 --> 02:03:17.100

We think work number two is too big and work number three is too  
small, but

1785

02:03:19.870 --> 02:03:22.340

maybe we should raise that at another hearing, uh,

1786

02:03:22.340 --> 02:03:26.900

because it's not really a drafting issue. Um, however,

1787

02:03:27.440 --> 02:03:31.460

um, if you'd like to, if you would like us to make that point,

1788

02:03:32.280 --> 02:03:34.220

it might be worth looking at the works plans,

1789

02:03:34.230 --> 02:03:38.100

which are a p p double zero seven.

1790

02:03:43.170 --> 02:03:46.750

I'm sorry, I didn't mention that. I would be relying on this plan earlier.

1791

02:03:49.190 --> 02:03:53.750

I wonder whether that might be something that you can more usefully make in

1792

02:03:53.750 --> 02:03:56.030

written submission, uh,

1793

02:03:56.130 --> 02:04:00.670

and the applicant can then respond in writing if we feel there's something that

1794

02:04:00.670 --> 02:04:04.830

we need to, to take up orally, uh, we can do that, uh,

1795

02:04:04.930 --> 02:04:05.910

on another occasion.

1796

02:04:07.740 --> 02:04:11.350

Okay, well works plans are there. If, if you just want to look at page one

1797

02:04:12.020 --> 02:04:13.510

Okay. As we're, as we're sheet one.

1798

02:04:17.410 --> 02:04:21.750

Yes. So work number two is the large green area.

1799

02:04:21.810 --> 02:04:25.630

That's the, um, dredge pocket. It's so large,

1800

02:04:25.730 --> 02:04:29.790

it extends and overlaps with the eastern jetty on the left hand side there,

1801

02:04:29.920 --> 02:04:33.670

which seems excessively large to, um,

1802

02:04:33.940 --> 02:04:38.800

it's that little gray pontoon you can see on the left hand side.

1803

02:04:39.300 --> 02:04:40.133

Um,

1804

02:04:40.310 --> 02:04:44.800

that seems excessively large to be solely for the purposes of building the,

1805

02:04:45.700 --> 02:04:50.600

and maintaining the, this new development. On the other hand, work number three,

1806

02:04:50.600 --> 02:04:54.440

which is the dashed and dotted pink area in the right hand corner.

1807

02:04:56.140 --> 02:05:00.920

It is impact protection for that finger pier and the I o t trunk way,

1808

02:05:01.260 --> 02:05:03.720

but only extends halfway along the finger pier.

1809

02:05:03.720 --> 02:05:08.360

The most exposed part of it seems to be not able,

1810

02:05:08.540 --> 02:05:12.000

not going to be protected. Um, and we wondered why that was.

1811

02:05:13.980 --> 02:05:16.840

So that was that point. Going back to, um,

1812

02:05:17.980 --> 02:05:20.200  
the D C O and Schedule one,

1813  
02:05:22.510 --> 02:05:23.343  
this is a,

1814  
02:05:23.360 --> 02:05:27.720  
a fairly common point raised by examining authorities and others.

1815  
02:05:27.940 --> 02:05:31.520  
The ancillary works listed at the end after all the works,

1816  
02:05:32.690 --> 02:05:36.520  
which say in connection with any of the works and then lists a whole lot of

1817  
02:05:36.540 --> 02:05:40.840  
things, but it's clear that many of those are not going to be,

1818  
02:05:41.900 --> 02:05:46.800  
um, required for all of the works. Not going to have,

1819  
02:05:47.900 --> 02:05:48.733  
um,

1820  
02:05:49.380 --> 02:05:54.200  
an expanded fire water system when you're talking about the dredge pocket,

1821  
02:05:54.340 --> 02:05:58.130  
for example. So we,

1822  
02:05:58.430 --> 02:06:02.770  
we think it's inappropriately wide that could apply to any of the works.

1823  
02:06:02.830 --> 02:06:05.570  
The list of ancillary works at the end of the works,

1824  
02:06:05.830 --> 02:06:10.770  
and we suspect they have not been environmentally assessed to apply to all



1825

02:06:10.770 --> 02:06:13.570

of those works if indeed they're mentioned at all in the environmental

1826

02:06:13.570 --> 02:06:14.403

statement.

1827

02:06:16.950 --> 02:06:19.850

So that's our points on schedule one.

1828

02:06:20.480 --> 02:06:24.610

Then if we just do the beginning of schedule two up to where we've got, um,

1829

02:06:28.860 --> 02:06:29.350

Uh,

1830

02:06:29.350 --> 02:06:34.320

requirement five has various restrictions on piling in terms of

1831

02:06:34.320 --> 02:06:35.360

dates and so on.

1832

02:06:36.990 --> 02:06:41.880

Requirement six requires the piling to be done in accordance with the

1833

02:06:41.880 --> 02:06:42.960

deemed marine license.

1834

02:06:45.290 --> 02:06:49.910

And requirement eight requires the construction to be constructed in accordance

1835

02:06:49.910 --> 02:06:52.150

with the construction and environmental management plan.

1836

02:06:52.800 --> 02:06:57.390

Those three requirements and the contents of the, the SEM Kemp,

1837

02:06:57.930 --> 02:06:58.763  
um,

1838  
02:06:59.210 --> 02:07:03.750  
all have different restrictions on piling expressed in slightly different ways.

1839  
02:07:03.850 --> 02:07:08.110  
And duplicated, sometimes schedule three,

1840  
02:07:08.210 --> 02:07:12.670  
the marine license has similar restrictions to those listed in the

1841  
02:07:13.110 --> 02:07:17.910  
ssp. Um, and sometimes in that earlier paragraph five as well.

1842  
02:07:18.570 --> 02:07:21.830  
So it would be a lot simpler if it was only they were,

1843  
02:07:21.830 --> 02:07:23.550  
these were only set out once.

1844  
02:07:25.170 --> 02:07:29.870  
We don't mind where to avoid duplication and

1845  
02:07:30.270 --> 02:07:32.670  
conflict and confusion as to where to look to find,

1846  
02:07:32.780 --> 02:07:36.240  
find these different provisions. Um,

1847  
02:07:39.890 --> 02:07:42.070  
we don't have anything else before paragraph 10,

1848  
02:07:42.070 --> 02:07:44.710  
which is I think the next one on your agenda. Thank you, sir.

1849  
02:07:53.460 --> 02:07:55.800  
Mr. Greenwood, uh, I mean in terms of schedule one,

1850  
02:07:55.800 --> 02:07:58.120

is that something that you potentially, um, the, the,

1851

02:07:58.180 --> 02:08:02.280

the extent of the work areas that you potentially need to go away,  
um,

1852

02:08:02.820 --> 02:08:07.640

and have a chat with various members of the team as to how those  
areas

1853

02:08:07.750 --> 02:08:08.760

have been defined?

1854

02:08:10.460 --> 02:08:12.640

Yes. So Brian Greenwood for a v p, uh, but Mr.

1855

02:08:12.640 --> 02:08:15.920

Walker kindly did raise this point in his, uh, red representations.

1856

02:08:16.180 --> 02:08:19.960

I'm not sure we necessarily agree, but certainly we will, uh,

1857

02:08:20.110 --> 02:08:22.120

clarify the position. And,

1858

02:08:22.220 --> 02:08:27.200

and if I could move on quickly also to the timing and, uh, the,

1859

02:08:27.340 --> 02:08:32.320

the hours of the restrictions, um, certainly it would be,

1860

02:08:32.380 --> 02:08:35.480

uh, extremely good idea if we can clarify, uh, uh,

1861

02:08:35.580 --> 02:08:38.160

and simplify the problem we have, sir,

1862

02:08:38.260 --> 02:08:42.840

is that negotiations with Natural England and the marine management  
organization

1863

02:08:42.860 --> 02:08:43.800  
are still ongoing.

1864  
02:08:44.300 --> 02:08:48.240  
And until we know and hear from them that everything is agreed, uh,

1865  
02:08:48.420 --> 02:08:50.440  
I'm afraid it's a bit of a moving feast,

1866  
02:08:50.580 --> 02:08:53.040  
but the the point is well made and it will be clarified.

1867  
02:08:54.040 --> 02:08:57.680  
I, I, I think the key thing particularly that Mr. Walker was  
focusing,

1868  
02:08:57.770 --> 02:09:00.440  
there needs to be consistency. Um,

1869  
02:09:00.820 --> 02:09:03.200  
and it would be useful, yeah,

1870  
02:09:03.260 --> 02:09:07.560  
for things like hours of construct to be in one place, if, um,

1871  
02:09:07.700 --> 02:09:10.320  
as you say, it's going to take a little bit of time to get  
resolution,

1872  
02:09:11.000 --> 02:09:14.560  
probably hopefully around the submission of the statement of common  
ground,

1873  
02:09:15.710 --> 02:09:20.600  
what might be useful if you are redrafting the order in the meantime  
and

1874  
02:09:20.600 --> 02:09:25.040  
have come to a view as to, um, how you think the running orders  
should,

1875  
02:09:25.040 --> 02:09:26.000

should run it.

1876

02:09:26.020 --> 02:09:30.000

It might be that if a couple of the requirements are going to be merged,

1877

02:09:30.000 --> 02:09:34.040

for example, you do the merging, but you hold one,

1878

02:09:34.230 --> 02:09:38.840

whichever is then the vacated, um, requirement just as a,

1879

02:09:39.020 --> 02:09:39.880

in it a blank,

1880

02:09:41.020 --> 02:09:45.600

so that at least the numbering remains consistent up until such time as you are

1881

02:09:45.600 --> 02:09:50.160

then able to finalize it again so that we can all follow, um,

1882

02:09:50.970 --> 02:09:54.880

where things have gone. Um, there's nothing worse. Uh,

1883

02:09:55.040 --> 02:09:58.600

I used to remember my local authority days when we were dealing with lists of

1884

02:09:58.600 --> 02:10:02.560

conditions and trying to get them agreed amongst colleagues that you start

1885

02:10:02.560 --> 02:10:03.760

pulling some out in the middle,

1886

02:10:03.900 --> 02:10:06.080

and if you've got two or three different pairs of eyes looking,

1887

02:10:06.220 --> 02:10:11.200

it becomes extremely difficult to work out where you've got to. So I,

1888

02:10:11.320 --> 02:10:15.160

I always tend to use a holding number, um, even if it's being vacated,

1889

02:10:15.230 --> 02:10:19.000

just to keep the number running consistently until we get to the end of things.

1890

02:10:20.890 --> 02:10:24.200

Brian Greenwood for a b p, certainly. So we, we will do that, uh,

1891

02:10:24.300 --> 02:10:28.160

should prove necessary. So sir, um,

1892

02:10:28.200 --> 02:10:32.160

subject to comments from anybody else, I think we go to your next query,

1893

02:10:32.290 --> 02:10:34.480

which was on noise insulation.

1894

02:10:37.820 --> 02:10:41.440

If, if I can make the point, um, 'cause hopefully again,

1895

02:10:41.440 --> 02:10:45.600

that might assist really how is article,

1896

02:10:46.370 --> 02:10:50.440

sorry, requirement 10 going to be enforced, um, because it says,

1897

02:10:51.820 --> 02:10:56.760

um, in effect an offer to insulate will be made,

1898

02:10:57.860 --> 02:11:00.560

um, but it looks like as drafted,

1899

02:11:00.700 --> 02:11:05.200

it would be wholly self policed, uh, and it's unclear,

1900

02:11:06.060 --> 02:11:10.450

um, in effect,

1901

02:11:10.550 --> 02:11:14.650

how would the applicant be compelled to offer the package, uh,

1902

02:11:14.670 --> 02:11:18.170

of insulation measures if there were any disputes,

1903

02:11:18.400 --> 02:11:23.130

then what happens that that isn't really dealt with at all

1904

02:11:23.390 --> 02:11:24.223

as drafted?

1905

02:11:25.980 --> 02:11:30.450

Brian Greenwood for a b p. Thank you for that, sir. Um, yes, uh,

1906

02:11:31.400 --> 02:11:36.210

this is quite turning out to be quite a complicated issue in that we're offering

1907

02:11:36.220 --> 02:11:41.210

noise insulation to residential occupiers of Queens Road.

1908

02:11:41.890 --> 02:11:46.170

A number of those occupiers are vacating premises and, uh,

1909

02:11:46.590 --> 02:11:47.770

we will be, uh,

1910

02:11:47.930 --> 02:11:52.290

writing to those who are still there and visiting and making the offer.

1911

02:11:52.840 --> 02:11:56.250

What we were intending, sir, is that, uh,

1912

02:11:58.000 --> 02:12:01.570

depending how they wish to respond to the offer of noise installation,

1913

02:12:01.590 --> 02:12:03.770  
we will enter into legal agreements. If,

1914  
02:12:03.950 --> 02:12:08.410  
if that is not clear in the requirement, then it clearly should be,  
and, uh,

1915  
02:12:08.890 --> 02:12:11.290  
I will look at that, sir and amend it accordingly.

1916  
02:12:13.620 --> 02:12:14.410  
Thank you, Mr. Green.

1917  
02:12:14.410 --> 02:12:18.290  
Certainly my first reading was there was just nothing in there, um,

1918  
02:12:18.680 --> 02:12:22.930  
that would compel and or as I say, it all seemed to be rather self-  
policing,

1919  
02:12:22.990 --> 02:12:27.970  
so yeah, it does seem to need a redraft Mr. Walker.

1920  
02:12:28.780 --> 02:12:32.090  
Thank you Sarah Angus Walker for D F T S. Yes, we agree that the,

1921  
02:12:33.070 --> 02:12:35.330  
the offer made to the residents,

1922  
02:12:35.330 --> 02:12:40.290  
it doesn't have to have any purpose of achieving a certain

1923  
02:12:40.300 --> 02:12:42.410  
noise level or anything. You could just give them a,

1924  
02:12:42.410 --> 02:12:45.730  
offer them a pair of ear plugs or something and that would fulfill  
the

1925  
02:12:45.760 --> 02:12:47.570  
requirement. Um,



1926

02:12:48.030 --> 02:12:51.010

it surely has to be linked with reducing the noi,

1927

02:12:51.010 --> 02:12:54.650

the internal noise level to below a certain level.

1928

02:13:07.150 --> 02:13:07.983

Mr.

1929

02:13:09.590 --> 02:13:14.050

So thank you Robbie Owen for C L D N. Um, we had a number of points on this. Uh,

1930

02:13:14.130 --> 02:13:15.210

I I I think that, um,

1931

02:13:16.070 --> 02:13:20.770

the first is what happens if the residents don't accept insulation? Um,

1932

02:13:20.870 --> 02:13:23.770

how will the properties still be fit for habitation?

1933

02:13:23.770 --> 02:13:28.250

That's the question that needs answering. The other point we had is that we,

1934

02:13:29.110 --> 02:13:32.640

uh, would urge a v p to consider, uh,

1935

02:13:33.000 --> 02:13:37.880

accurately defining what it means by first operational use, uh,

1936

02:13:39.190 --> 02:13:42.600

Because the, um, you know,

1937

02:13:42.600 --> 02:13:45.560

the requirement uses the phrase prior to the commencement of first operational

1938

02:13:45.620 --> 02:13:47.800

use. This, this has to happen,

1939

02:13:48.420 --> 02:13:53.080

but the term commence is defined both in paragraph one of schedule two,

1940

02:13:53.180 --> 02:13:57.520

and also in article two, one of the D C O, uh,

1941

02:13:57.540 --> 02:14:01.680

as I said earlier, it need, need only appear once in any event. Um, but,

1942

02:14:01.680 --> 02:14:02.160

but it's,

1943

02:14:02.160 --> 02:14:05.720

it's defined in terms of the inconsistent with its use in the context of

1944

02:14:06.640 --> 02:14:11.160

defining an operational use trigger as opposed to commencement of

1945

02:14:11.480 --> 02:14:13.080

construction. So it,

1946

02:14:13.100 --> 02:14:17.800

it just lacks clarity in terms of when the obligations in article

1947

02:14:18.260 --> 02:14:20.320

in, in paragraph 10, in requirement 10,

1948

02:14:20.630 --> 02:14:25.240

what whatever they end up being when they're triggered. Thank you,

1949

02:14:33.460 --> 02:14:34.293

Mr. Greenman. I,

1950

02:14:34.400 --> 02:14:38.480

I presume you're gonna just take this one away and have a a,

1951

02:14:38.920 --> 02:14:43.200

a re-look at, uh, tightening up the whole of that requirement,

1952

02:14:48.160 --> 02:14:52.380

Sir. Brian Greenwood, A b P. Can I take you now to requirement 18?

1953

02:14:54.090 --> 02:14:55.500

Subject to Mr. Walker.

1954

02:14:58.520 --> 02:15:02.260

Mr. Walker has some earlier points before requirement 18, if that's all right.

1955

02:15:02.600 --> 02:15:05.020

An Angus Walker, D F D S, um,

1956

02:15:05.850 --> 02:15:09.660

requirement 11 on this Wildlife Enhancement Management

1957

02:15:11.290 --> 02:15:15.820

plan. It's, um, it sort of implies that it will be, um,

1958

02:15:16.890 --> 02:15:20.660

implemented, but it doesn't actually provide that in, in the requirement.

1959

02:15:21.440 --> 02:15:23.980

It just says it forms the environmental enhancement.

1960

02:15:23.980 --> 02:15:27.460

So I think that needs tightening up. Uh, uh,

1961

02:15:27.460 --> 02:15:31.860

requirement 12 talks about the East Gate,

1962

02:15:33.550 --> 02:15:35.450

um, improvements.

1963

02:15:36.350 --> 02:15:40.970

It isn't clear if that is what is described under work number 12 or not. Um,

1964

02:15:41.230 --> 02:15:44.050

we suspect it should be, but that if it used that term,

1965

02:15:44.050 --> 02:15:48.410

that would be more helpful. Um, again, there's a tail piece in there.

1966

02:15:49.950 --> 02:15:52.450

Um, greed works.

1967

02:15:53.950 --> 02:15:57.250

The works could apparently be varied, and

1968

02:15:59.190 --> 02:16:03.050

how far am I going up? Uh, requirement 15,

1969

02:16:07.590 --> 02:16:11.210

uh, conflicts with requirement eight allows the construction environmental

1970

02:16:11.210 --> 02:16:14.370

management plan to be varied, but this, uh,

1971

02:16:14.440 --> 02:16:17.170

this requirement doesn't look so it can be varied.

1972

02:16:17.270 --> 02:16:20.010

It just says they must be constructed in accordance with it.

1973

02:16:21.070 --> 02:16:22.850

So I think that that, um,

1974

02:16:25.640 --> 02:16:28.010

they're ought to be tightened up. And it refers to,

1975

02:16:28.010 --> 02:16:31.280

it must be construction operated in accordance with the general accordance with

1976

02:16:31.280 --> 02:16:32.840

the navigational risk assessment,

1977

02:16:34.260 --> 02:16:37.960

but it's not clear that that document actually, um,

1978

02:16:38.020 --> 02:16:42.680

has any mitigation in it. That is anything to construct in accordance with.

1979

02:16:46.420 --> 02:16:49.730

Those are our points leading up to paragraph 18.

1980

02:16:52.900 --> 02:16:55.890

Brian Greenwood for a b p. Uh, uh, I,

1981

02:16:56.050 --> 02:16:59.610

I should have intervened more quickly because all those are all good points made

1982

02:16:59.610 --> 02:17:02.010

by Mr. Walker, and we have amended the, uh,

1983

02:17:02.190 --> 02:17:04.850

the D C O to take on all of those points, so thank you.

1984

02:17:06.830 --> 02:17:09.570

So sir, if I move to requirement 18,

1985

02:17:11.900 --> 02:17:15.330

sorry, sorry, I apologize. Mr.

1986

02:17:15.440 --> 02:17:18.090

Owen indicated that he had some points. Uh,

1987

02:17:18.090 --> 02:17:21.930

Thank you Robbie Owen for C L D N. Um, I, I, I do, sir, uh, just a few

1988

02:17:24.640 --> 02:17:29.090

Requirement. 1111, this may be a point for a later hearing, but requirement 11,

1989

02:17:29.670 --> 02:17:30.530  
um, uh,

1990

02:17:31.050 --> 02:17:34.010  
representing a commitment to Woodlands enhancement appears to be the only

1991

02:17:34.420 --> 02:17:38.170  
commitment in the D C O to environmental enhancement. Uh, uh,

1992

02:17:38.170 --> 02:17:41.970  
there appears to be no reference at all to, um, uh,

1993

02:17:41.970 --> 02:17:46.450  
either in the D C O or in the Woodland Enhancement Plan to biodiversity net

1994

02:17:46.480 --> 02:17:51.090  
gain. And whilst it's not a legal requirement at this stage for,

1995

02:17:51.150 --> 02:17:55.130  
for nips, uh, there appears to be no evidence at all in the,

1996

02:17:55.130 --> 02:17:59.970  
in the requirements or underlying application documents as to how the proposal

1997

02:18:00.600 --> 02:18:04.250  
does intend to achieve the emerging nsip

1998

02:18:05.190 --> 02:18:10.090  
target of at least 10% measurable net gain on all terrestrial and

1999

02:18:10.260 --> 02:18:13.250  
intertidal development over a 30 year period. Um,

2000

02:18:14.020 --> 02:18:15.730  
which of course would also address the duties,

2001

02:18:16.100 --> 02:18:18.810  
which do apply at the moment within the natural environment and Rural

2002

02:18:18.810 --> 02:18:21.770

Communities Act. So, um, it,

2003

02:18:21.800 --> 02:18:26.290

it's a point that doesn't per se go to the drafting requirement 11, but, uh,

2004

02:18:26.510 --> 02:18:29.450

arises in our heads and therefore I, I raise it, um,

2005

02:18:30.070 --> 02:18:31.610

for the applicant to consider.

2006

02:18:32.670 --> 02:18:37.090

We also had some points on requirement 12 relating to Eastgate improvements.

2007

02:18:37.910 --> 02:18:39.650

Uh, the point there is,

2008

02:18:39.670 --> 02:18:43.770

is the current drafting provides no certainty as to the nature of the

2009

02:18:43.770 --> 02:18:46.930

improvement works required to the eGate, for example,

2010

02:18:47.110 --> 02:18:51.850

by citing works identified in the traffic assessment. Um, uh,

2011

02:18:52.150 --> 02:18:52.750

uh,

2012

02:18:52.750 --> 02:18:55.890

and it makes no attempt to sort of clarify what arrangements must actually be

2013

02:18:55.890 --> 02:19:00.810

entered into with the planning or any other authority to facilitate

2014

02:19:00.810 --> 02:19:02.770  
those works. And,

2015

02:19:02.870 --> 02:19:06.090  
and in the absence of clear and prescriptive drafting,

2016

02:19:06.870 --> 02:19:11.570  
we can't have any confidence as to the adequacy of the potential  
improvement

2017

02:19:11.570 --> 02:19:13.730  
works even within the assessed levels.

2018

02:19:13.870 --> 02:19:18.450  
And this is important to C L D N because inadequate improvement to  
Eastgate

2019

02:19:18.980 --> 02:19:22.250  
could result in the diversion of traffic to the Westgate,

2020

02:19:22.780 --> 02:19:27.480  
which would then or could then have serious implications for CDNs

2021

02:19:27.480 --> 02:19:32.440  
operations. So it is of legitimate interest to us. Uh,

2022

02:19:32.440 --> 02:19:36.680  
requirement 15, dealing with construction and operational plans and  
documents,

2023

02:19:37.630 --> 02:19:41.120  
there's no reference at all to an operational traffic management  
plan.

2024

02:19:41.980 --> 02:19:43.000  
And in the absence of a,

2025

02:19:43.020 --> 02:19:47.560  
of a requirement to operate the facility authorized by the D C O in  
accordance

2026

02:19:47.560 --> 02:19:50.640



with a a Traffic Management Plan certified,

2027

02:19:50.750 --> 02:19:55.680

it's not clear how any traffic mitigation measures referenced in

2028

02:19:55.680 --> 02:19:59.080

chapter 17 of the environmental statement. Um, uh,

2029

02:19:59.100 --> 02:20:01.240

or indeed the transfer of assessment are to be secured.

2030

02:20:08.560 --> 02:20:11.180

R requirement 15 also, uh,

2031

02:20:11.580 --> 02:20:14.340

purports to secure compliance with the navigational risk assessment.

2032

02:20:14.360 --> 02:20:18.060

As we just heard, uh, submitted the, with the application. Uh,

2033

02:20:18.060 --> 02:20:21.820

you'll be aware of the serious deficiencies that various interested parties

2034

02:20:22.880 --> 02:20:27.020

appear to consider, uh, exist with that, um, uh, uh,

2035

02:20:27.020 --> 02:20:30.660

navigational risk assessment, which clearly need to be addressed, uh,

2036

02:20:30.960 --> 02:20:34.380

by the submission we would say of further environmental and other information

2037

02:20:34.840 --> 02:20:38.140

and an updated assessment, um, which in, in,

2038

02:20:38.140 --> 02:20:43.020

in turn would then be secured by requirement 15. And finally,

2039

02:20:43.120 --> 02:20:47.740  
before we come to requirement 18, uh, on requirement 17, uh,

2040  
02:20:48.060 --> 02:20:51.580  
materials management plan, uh,

2041  
02:20:51.580 --> 02:20:56.500  
it would've been helpful for a plan to have been produced as part of  
the D

2042  
02:20:56.500 --> 02:21:00.660  
C 0 application documents to inform arrangements for sourcing and

2043  
02:21:01.090 --> 02:21:04.540  
deposit of materials. Uh, it, it's,

2044  
02:21:04.540 --> 02:21:07.940  
it's hard without such a plan to consider

2045  
02:21:09.290 --> 02:21:13.140  
this requirement in any meaningful way and make any submissions, uh,  
on it.

2046  
02:21:13.140 --> 02:21:17.580  
And therefore we would invite a b P to consider producing

2047  
02:21:18.340 --> 02:21:23.260  
a materials management plan and, and submit submitted as a, as a  
commitment,

2048  
02:21:23.400 --> 02:21:26.660  
um, into the examination so that, uh,

2049  
02:21:26.660 --> 02:21:30.580  
interested parties can then consider it in the ongoing examination  
process.

2050  
02:21:31.710 --> 02:21:32.543  
Thank you,

2051  
02:21:36.320 --> 02:21:37.153  
Mr. Greenman.

2052

02:21:37.750 --> 02:21:40.100

Thank you, sir. Brian Greenwood for a v p.

2053

02:21:40.320 --> 02:21:44.300

So we've noted those comments from Mr. Owen, and, uh,

2054

02:21:44.680 --> 02:21:48.140

we will deal with them as appropriate. Uh, going forward, sir.

2055

02:21:49.480 --> 02:21:50.000

So sir,

2056

02:21:50.000 --> 02:21:54.860

Can we move now to, uh, requirement 18? Not, not quite, not quite.

2057

02:21:55.180 --> 02:21:57.140

'cause I think I missed a step in my list,

2058

02:21:57.760 --> 02:22:02.100

and actually it touches on requirement eight and requirement

2059

02:22:02.650 --> 02:22:03.620

15 A,

2060

02:22:03.750 --> 02:22:08.300

which both have references to the construction environment management plan.

2061

02:22:09.400 --> 02:22:14.380

Um, it would seem that the reference in 15 A is superfluous.

2062

02:22:14.880 --> 02:22:18.060

Really there need needs to be a check, um,

2063

02:22:18.520 --> 02:22:23.380

as to whether they both need be there or one or other. Um,

2064

02:22:26.580 --> 02:22:28.960

but it, it, it seems that in 15,

2065

02:22:29.100 --> 02:22:33.480

the con construction Environmental Man Construction Environmental Management

2066

02:22:33.480 --> 02:22:38.000

plan doesn't really fit with operational plans, which appear to be,

2067

02:22:38.500 --> 02:22:41.560

for the most part, what the rest of that requirement covers.

2068

02:22:49.360 --> 02:22:50.310

Sorry, sir. Could you,

2069

02:22:50.310 --> 02:22:53.550

could I ask you just to expand on that last point that you made?

Yeah.

2070

02:22:53.570 --> 02:22:57.190

If, if we look at requirement 15, it,

2071

02:22:57.190 --> 02:23:00.710

it's titled both Construction and Operational Plans and Documents.

2072

02:23:02.010 --> 02:23:06.430

Um, if you then look at the construction and environment management plan,

2073

02:23:07.260 --> 02:23:11.670

well, that's definitely for construction, but things like the drainage strategy,

2074

02:23:11.890 --> 02:23:14.230

the wemp, the navigational risk assessment,

2075

02:23:14.330 --> 02:23:18.470

and the flood risk assessment really are operational type matters.

2076

02:23:19.410 --> 02:23:23.470

Um, so what I'm really putting to you is should the Construction Environment

2077

02:23:23.470 --> 02:23:27.070  
Management plan be referred to at all in 15,

2078  
02:23:27.170 --> 02:23:30.710  
or should it just remain in eight, and then the,

2079  
02:23:30.770 --> 02:23:33.790  
the subheading for that requirement be amended accordingly?

2080  
02:23:35.130 --> 02:23:39.750  
It just seems that 15 A is not a natural, natural fit for that requirement.

2081  
02:23:41.120 --> 02:23:44.910  
Brian Greenwood for a b p. Thank you, sir. That's extremely logical and, uh,

2082  
02:23:44.910 --> 02:23:46.510  
we will adopt that going forward.

2083  
02:23:51.340 --> 02:23:52.173  
Mr.

2084  
02:23:52.420 --> 02:23:56.960  
Uh, Robbie Owen, c r d n. Sir, can I also make a general point about,

2085  
02:23:57.340 --> 02:24:02.320  
um, requirements eight 13 and 15 in that, in that we, we,

2086  
02:24:02.320 --> 02:24:05.440  
we, we think they are all infected with the same,

2087  
02:24:05.790 --> 02:24:10.320  
what we would see as a fundamental flaw, uh, and I'll explain why. Um, they,

2088  
02:24:10.320 --> 02:24:15.000  
they each require only some standard of compliance with an application

2089  
02:24:15.280 --> 02:24:17.080

document, and that would, in principle,

2090

02:24:17.080 --> 02:24:21.920

be appropriate were those application documents worked up to a

2091

02:24:22.120 --> 02:24:26.120

detailed standard such that yourselves and in due course,

2092

02:24:26.180 --> 02:24:28.760

the Secretary of State could be confident when, uh,

2093

02:24:28.760 --> 02:24:32.120

making a determination of the applicant of the application that that adequate

2094

02:24:32.120 --> 02:24:35.480

mitigation is secured. However, in this case,

2095

02:24:36.060 --> 02:24:39.160

the corresponding control documents, in particular the,

2096

02:24:39.460 --> 02:24:41.920

the Kemp Construction Environment Management Plan,

2097

02:24:42.630 --> 02:24:47.320

they are at best outline documents giving a loose indication of the aims to be

2098

02:24:47.560 --> 02:24:51.400

achieved, but no detail as to how they are to be achieved.

2099

02:24:52.380 --> 02:24:53.720

Uh, as such, there's,

2100

02:24:53.720 --> 02:24:58.120

there's little confidence that appropriate mitigation will be delivered.

2101

02:24:58.910 --> 02:25:01.200

Typically where there is an outline approach,

2102

02:25:01.230 --> 02:25:05.440  
this is coupled with a pre-commencement or pre-operation,

2103  
02:25:05.440 --> 02:25:10.120  
depending on the measure, uh, requirement to develop the outline document, uh,

2104  
02:25:10.150 --> 02:25:11.920  
into a detailed version of it,

2105  
02:25:11.940 --> 02:25:16.640  
and then submit that for approval by the relevant planning authority or other

2106  
02:25:17.200 --> 02:25:18.920  
relevant approving body, um,

2107  
02:25:19.300 --> 02:25:24.280  
before construction or operation can begin in. Instead, in this case,

2108  
02:25:24.330 --> 02:25:27.080  
we're presented with a proposal by a b p for,

2109  
02:25:27.080 --> 02:25:31.480  
for them to be in effect at liberty to develop their project in general,

2110  
02:25:31.490 --> 02:25:36.360  
accordance with an outline document with no, with no further supervision,

2111  
02:25:37.420 --> 02:25:39.600  
uh, and, and where problems to arise.

2112  
02:25:39.600 --> 02:25:43.520  
It is not clear how a planning authority could take enforcement action given

2113  
02:25:43.620 --> 02:25:44.140  
the,

2114

02:25:44.140 --> 02:25:47.360  
the vague nature of these commitments and the corresponding control documents.

2115  
02:25:47.380 --> 02:25:51.760  
So we, we do feel this is a, a, a pretty unsatisfactory situation,

2116  
02:25:51.820 --> 02:25:53.080  
and a, again,

2117  
02:25:53.080 --> 02:25:58.080  
would invite a b P to consider this and consider whether there should

2118  
02:25:58.080 --> 02:26:01.160  
be some additional requirements, uh,

2119  
02:26:01.310 --> 02:26:05.440  
requiring these outline control documents to be worked up into detailed

2120  
02:26:05.440 --> 02:26:06.800  
versions. Uh,

2121  
02:26:06.800 --> 02:26:10.720  
if and when the D C O is made before works can start or as appropriate,

2122  
02:26:11.220 --> 02:26:15.440  
the project can be operated. Thank you.

2123  
02:26:16.790 --> 02:26:19.520  
Certainly, Mr. Greenwood, in my experience,

2124  
02:26:19.550 --> 02:26:24.200  
that tends to be the approach that's taken with say the Kemp,

2125  
02:26:24.460 --> 02:26:28.800  
um, which often is something that yes, you'll see a draft of,

2126  
02:26:28.860 --> 02:26:33.720  
but by the time a contractor gets on the ground and actually really



starts to

2127

02:26:33.720 --> 02:26:37.480

deal with the detail of how they're going to build the project, um,

2128

02:26:37.990 --> 02:26:41.480

that they've been contracted, uh, to build, then uh,

2129

02:26:41.670 --> 02:26:45.800

it's at that point you really start to appreciate what's gonna be required.

2130

02:26:46.660 --> 02:26:51.560

Um, and potentially then, yeah, the detail does need to be worked up. Um,

2131

02:26:51.580 --> 02:26:55.600

so any observations generally on the point that Mr. Owen has made?

2132

02:26:56.890 --> 02:27:00.640

Thank you, sir. Brian Greenwood. A b p, sir, that, it's a good point.

2133

02:27:00.640 --> 02:27:04.600

We are in fact wrestling with this very issue. Uh, you are quite correct. Um,

2134

02:27:04.660 --> 02:27:06.320

if you could leave it with us and we,

2135

02:27:06.420 --> 02:27:10.360

we will look at the points as to how we can clarify and also, uh,

2136

02:27:10.700 --> 02:27:12.440

how we can deal with the going forward.

2137

02:27:13.790 --> 02:27:14.180

Yeah,

2138

02:27:14.180 --> 02:27:18.600

But of course, it's not necessarily just the Kemp, but it also then begs the,

2139

02:27:19.220 --> 02:27:22.200

the, the point that if, um,

2140

02:27:23.020 --> 02:27:26.680

the requirements were to rest as drafted, um,

2141

02:27:26.750 --> 02:27:31.440

some of the discharge requirements that occur in the later paragraphs in this

2142

02:27:31.680 --> 02:27:35.800

schedule would in effect become unnecessary because, um,

2143

02:27:35.890 --> 02:27:40.520

there would be no discharging going on. Um, so, um,

2144

02:27:42.020 --> 02:27:46.680

it looks like in authoring, um, the draft development order,

2145

02:27:46.680 --> 02:27:51.360

there was an intention that there would be a discharge process given,

2146

02:27:51.700 --> 02:27:54.720

um, those later paragraphs. Um, so the,

2147

02:27:54.740 --> 02:27:57.240

the two bits don't quite fit. Yeah.

2148

02:28:04.380 --> 02:28:09.210

Thank you, sir. Brian Greenwood, A v P. So moving on, if I may,

2149

02:28:09.510 --> 02:28:11.770

um, get to requirement 18.

2150

02:28:12.230 --> 02:28:15.770

So this has changed considerably. Um,

2151

02:28:16.630 --> 02:28:21.480

and obviously you'll see, see the drafting in due course, but very

simply, sir,

2152

02:28:21.620 --> 02:28:24.560

the original, as you see on screen,

2153

02:28:24.860 --> 02:28:29.360

it did say that in the event that the Harbor Master determines at its

2154

02:28:29.360 --> 02:28:33.680

discretion that impact protection measures are required in the interest and

2155

02:28:33.680 --> 02:28:37.760

navigational safety in the river, uh, the company must construct work.

2156

02:28:37.760 --> 02:28:40.280

Number three, that is how it stands at the moment.

2157

02:28:40.860 --> 02:28:45.280

We have been in discussion with the Harbor master and his legal team,

2158

02:28:45.780 --> 02:28:50.640

and we have accepted an amendment that now reads as follows,

2159

02:28:51.460 --> 02:28:55.720

the company I A B P must have due regard to any

2160

02:28:55.980 --> 02:29:00.920

recommendation received from the Harbor Master that

2161

02:29:00.920 --> 02:29:05.520

work number three is required in the interest of navigational safety in the

2162

02:29:05.520 --> 02:29:10.360

river Humber. So that switches the onus and the responsibility, um,

2163

02:29:10.660 --> 02:29:13.040

it will become clearer when in fact, uh,

2164

02:29:13.220 --> 02:29:17.480

you see my brief note on the separation of powers,

2165

02:29:17.940 --> 02:29:22.680

but that amendment has been, uh, approved. Uh, I,

2166

02:29:22.800 --> 02:29:26.600

I I've looked to, uh, counsel for the Harbor Master in due course,

2167

02:29:27.060 --> 02:29:31.320

and there are one or two other amendments that follow, um, uh,

2168

02:29:31.590 --> 02:29:36.520

essentially to ensure that, um, when a B P,

2169

02:29:36.820 --> 02:29:41.160

if a b P receives a recommendation from the Harbor master, it must inform, uh,

2170

02:29:41.360 --> 02:29:46.000

H O T T. Uh, but you'll, you'll see that when in fact we circulate the next,

2171

02:29:46.220 --> 02:29:48.680

uh, draft of the D C O

2172

02:29:58.630 --> 02:30:02.770

Ms. Hut Hutton. Have you got anything to elaborate on on that point in terms of,

2173

02:30:02.770 --> 02:30:05.610

in effect, the switching round of, um,

2174

02:30:06.750 --> 02:30:11.530

the Harbor Authority becoming in effect the determiner of,

2175

02:30:11.870 --> 02:30:12.090

um,

2176

02:30:12.090 --> 02:30:16.250

whether or not those measures would be implemented and the applicant in effect

2177

02:30:16.250 --> 02:30:20.810

having to abide by whatever the view, um, of the Harbor master was.

2178

02:30:22.430 --> 02:30:26.890

So thank you, Victoria Hutton, uh, for the Harbor Master. Um, so yes,

2179

02:30:27.150 --> 02:30:31.810

it switched away from that position to essentially make the Harbor master a, uh,

2180

02:30:32.480 --> 02:30:36.450

consultee effectively on the decision. And we wait to see the,

2181

02:30:36.510 --> 02:30:40.610

the Redrafted version, but that sounds like it's in line with our position.

2182

02:30:41.470 --> 02:30:45.450

Um, so you'll, you'll see, I think when you get the note, uh,

2183

02:30:45.560 --> 02:30:47.570

from the applicant, um,

2184

02:30:48.400 --> 02:30:53.130

that will explain the different roles and responsibilities between the company

2185

02:30:53.270 --> 02:30:56.770

and the statutory Harbor Authority. But in short,

2186

02:30:56.770 --> 02:31:00.810

the statutory Harbor authorities is concerned with the navigational safety of

2187

02:31:00.810 --> 02:31:05.330

the Humber. Uh, that includes, um, for example,

2188

02:31:05.480 --> 02:31:10.130

administering, administering piloting under the Pilotage Act,

2189

02:31:10.710 --> 02:31:15.330

uh, includes making, uh, issuing directions. Um,

2190

02:31:15.790 --> 02:31:19.840

it also includes a powered license works that Sir, uh,

2191

02:31:20.130 --> 02:31:23.520

opposition is, that is rather different from, uh,

2192

02:31:23.520 --> 02:31:27.000

making decisions as to what works occur, uh,

2193

02:31:27.000 --> 02:31:28.960

within the port in within a port.

2194

02:31:29.980 --> 02:31:34.840

And so we consider that the protective provisions under part one

2195

02:31:34.840 --> 02:31:39.000

of Schedule four are appropriate and, uh,

2196

02:31:40.020 --> 02:31:44.320

mirror that those powers, which, uh, the Harbor Authority currently has,

2197

02:31:45.060 --> 02:31:49.360

uh, but it's not appropriate for the Harbor Authority to making decision to make

2198

02:31:49.520 --> 02:31:53.200

decisions over, uh, infrastructure within the port.

2199

02:31:58.320 --> 02:31:59.070

Thank you, Ms. Hu,

2200

02:31:59.070 --> 02:32:03.630

and I think that's been helpful clarification from the standpoint of

2201

02:32:03.930 --> 02:32:07.350

the Humber Harbor Master. Um,

2202

02:32:08.410 --> 02:32:09.710

how does this then

2203

02:32:11.500 --> 02:32:16.390

take us forward in terms of how the decision is taken as to whether that

2204

02:32:16.450 --> 02:32:18.670

impact protection is implemented?

2205

02:32:21.520 --> 02:32:24.950

Brian Greenwood, a b p? So I've, I've been a little unfair,

2206

02:32:25.010 --> 02:32:29.150

but I haven't pointed you to the other amendments be we've been made,

2207

02:32:29.170 --> 02:32:31.110

but the way the process, um,

2208

02:32:31.790 --> 02:32:36.230

subjects to final drafting would work is if the Harbor Master

2209

02:32:36.430 --> 02:32:39.070

believes in the interest of safety of navigation,

2210

02:32:39.380 --> 02:32:41.790

that he should make such a recommendation.

2211

02:32:42.090 --> 02:32:46.950

It is then for a b p as the operator of the port and

2212

02:32:46.950 --> 02:32:51.590

indeed the responsible body to decide whether or not it agrees with that

2213

02:32:51.650 --> 02:32:52.550

recommendation.

2214

02:32:52.680 --> 02:32:57.150

There will be no obligation on a V P to accept that recommendation.

2215

02:32:57.650 --> 02:33:01.790

It will then consider the implications what has to be done. And in doing so,

2216

02:33:01.840 --> 02:33:04.190

we'll consult with, uh, H O T T,

2217

02:33:08.540 --> 02:33:11.270

Obviously, uh, this is subject,

2218

02:33:11.420 --> 02:33:16.110

this comment is subject to the explanatory note that you're providing,

2219

02:33:16.810 --> 02:33:19.230

but, um, my sense is that,

2220

02:33:19.810 --> 02:33:24.790

or my understanding so far is that the Port of Ingham as a statutory

2221

02:33:24.790 --> 02:33:28.070

Hall al authority has a certain set of responsibilities.

2222

02:33:29.860 --> 02:33:34.190

There's an interface o obviously with the

2223

02:33:35.020 --> 02:33:39.990

statutory Harbor authority for the Humber, uh,

2224

02:33:40.160 --> 02:33:44.990

which I rather sense is at some point, which you're going to help define for us,

2225

02:33:45.330 --> 02:33:50.270

um, uh, seawood of the I O T

2226

02:33:53.130 --> 02:33:57.550

now within the Port of Ingham's



2227

02:33:57.930 --> 02:33:58.950  
own geography,

2228

02:34:00.250 --> 02:34:03.150  
the s h a then is the Port of Ingham Ingham,

2229

02:34:03.810 --> 02:34:08.470  
and therefore is the, uh,

2230

02:34:09.090 --> 02:34:12.510  
uh, the, the body responsible for safety.

2231

02:34:13.450 --> 02:34:17.880  
Is that a reasonable summary? Yes. So the advisory, um,

2232

02:34:18.060 --> 02:34:22.600  
is basically, I think Sutton, um, made the book the, the, um,

2233

02:34:22.750 --> 02:34:26.280  
clarification that you're effectively acting as a consultee.

2234

02:34:27.980 --> 02:34:31.640  
That's fine. There's several consultees that may have a position on this.

2235

02:34:32.000 --> 02:34:34.600  
M C A may of course also have a position on this.

2236

02:34:36.020 --> 02:34:40.800  
How does the decision get made and how do we get security that

2237

02:34:40.940 --> 02:34:45.160  
the, um, in the, in, in the, uh, draft E C O,

2238

02:34:45.590 --> 02:34:50.200  
that the mitigation that is embodied in the N R A

2239

02:34:53.650 --> 02:34:56.750  
Can be provided or will be provided. Um,

2240

02:34:57.130 --> 02:35:01.470

and what is the mechanism that the D C O can secure for

2241

02:35:01.900 --> 02:35:06.430

that, um, consideration to be taken? Uh,

2242

02:35:06.940 --> 02:35:08.830

with regard to stakeholder input?

2243

02:35:09.740 --> 02:35:14.030

Just, sorry, just before you respond, I do you wanna turn the,

2244

02:35:15.910 --> 02:35:19.350

I think what we need in terms of, for want of a better way,

2245

02:35:19.630 --> 02:35:24.270

discharging this particular requirement is something from, um,

2246

02:35:24.410 --> 02:35:28.950

the Harbor Authority that explains how it considers, um,

2247

02:35:29.170 --> 02:35:32.470

it would make a decision. Um,

2248

02:35:33.210 --> 02:35:36.990

and then potentially we want to see something from the applicant in terms of

2249

02:35:37.140 --> 02:35:41.750

what its decision making would be further to either a

2250

02:35:42.050 --> 02:35:44.110

recommendation from the Harbor Authority,

2251

02:35:44.290 --> 02:35:49.150

or I think possibly we might need to see the word direction from

2252

02:35:49.290 --> 02:35:52.110

the Harbor Authority because, um,

2253

02:35:52.510 --> 02:35:57.430

a recommendation is a bit loose if the Harbor Authority determines

2254

02:35:57.500 --> 02:36:01.670

that the protection is required and given its statutory duties,

2255

02:36:02.570 --> 02:36:07.550

if it directs, then it has to happen. Um,

2256

02:36:07.740 --> 02:36:11.350

just before I ask Mr. Greenwood to respond, uh, Mr. Owen,

2257

02:36:12.660 --> 02:36:15.190

then Mr. Walker, but Mr. Owen first,

2258

02:36:15.850 --> 02:36:19.510

Uh, thank you, sir. Robbie Owen for C L D N. Uh, so,

2259

02:36:19.530 --> 02:36:22.990

so it does seem to us that this requirement 18 is,

2260

02:36:23.090 --> 02:36:27.910

is fundamentally unsatisfactory and flawed and certainly doesn't meet the

2261

02:36:28.720 --> 02:36:33.390

tests for requirements, uh, at the moment of being, uh,

2262

02:36:33.390 --> 02:36:36.190

particularly in terms of being enforceable, precise, and reasonable.

2263

02:36:36.490 --> 02:36:39.470

And going back to first principles, it, it, it,

2264

02:36:40.210 --> 02:36:44.630

it appears to us that we're being told that impact protection measures may or

2265

02:36:44.650 --> 02:36:48.990

may or may or may or may not be necessary. Uh, they,

2266

02:36:48.990 --> 02:36:52.590

they are included as work number three on the basis that they might be

2267

02:36:52.590 --> 02:36:53.510  
necessary, and therefore,

2268

02:36:53.630 --> 02:36:58.350  
a B p understandably would like the power if they are 'cause it are necessary to

2269

02:36:59.110 --> 02:37:01.390  
construct them as, as, as mitigation measures. In effect,

2270

02:37:01.930 --> 02:37:06.510  
the normal way of doing this would be for the requirement 18

2271

02:37:07.250 --> 02:37:11.590  
to start off by obliging A B P to,

2272

02:37:12.290 --> 02:37:12.850  
in effect,

2273

02:37:12.850 --> 02:37:17.260  
put a scheme of mitigation involving impact protection measures to the Harbor

2274

02:37:17.260 --> 02:37:21.860  
Master for the Harbor Master to consider if they are necessary and,

2275

02:37:22.080 --> 02:37:25.980  
and, and correct in every respect, uh, the Harbor Master would then,

2276

02:37:26.760 --> 02:37:29.820  
before coming to a decision on that would, should be, we would say,

2277

02:37:30.010 --> 02:37:34.500  
obliged to consult relevant users of the, of the navigation.

2278

02:37:35.360 --> 02:37:39.500  
Um, and then the Harbor Master would, uh, make a decision,

2279

02:37:40.320 --> 02:37:43.620  
uh, uh, or it might need to be the,

2280  
02:37:43.760 --> 02:37:45.900  
the actual Conservancy authority opposed to the individual.

2281  
02:37:45.920 --> 02:37:49.140  
That's a another matter to be, to be concluded. And then if,

2282  
02:37:49.280 --> 02:37:53.780  
if the decision is the impact protection measures are required, then they,

2283  
02:37:53.780 --> 02:37:54.300  
there should be,

2284  
02:37:54.300 --> 02:37:57.860  
there should be a clear obligation to carry them out in accordance with all the

2285  
02:37:57.860 --> 02:37:58.940  
other provisions of the D C O,

2286  
02:37:58.940 --> 02:38:03.740  
but leaving it in a very loose way as it currently is to the discretion of

2287  
02:38:04.440 --> 02:38:08.060  
the Harbor Master to initiate the discussion, seems to us to be, uh,

2288  
02:38:08.160 --> 02:38:10.220  
unsatisfactory. And therefore, the amendment that Mr.

2289  
02:38:10.220 --> 02:38:12.420  
Greenman would refer to earlier, if I understood it correctly,

2290  
02:38:12.530 --> 02:38:16.460  
doesn't really help. Um, as I say, the normal approach here is, is,

2291  
02:38:16.460 --> 02:38:20.380  
and there's tried and tested drafting for this in DCOS and other, uh,

2292

02:38:20.560 --> 02:38:21.300  
STA instruments,

2293

02:38:21.300 --> 02:38:25.260  
and that you have a schema mitigation obligation that the applicant  
is required

2294

02:38:25.330 --> 02:38:29.620  
once a DC0 is in place to, to, to put together and submit for  
approval.

2295

02:38:30.200 --> 02:38:34.940  
Uh, and yeah, if the proposal is the approval body should be the  
Harbor Master,

2296

02:38:34.970 --> 02:38:39.100  
then that can be considered then, then the Harbor Master, um, or,

2297

02:38:39.120 --> 02:38:43.700  
or the Conservancy Authority perhaps has a public function then to  
consider

2298

02:38:44.400 --> 02:38:47.340  
the submission of the details, consult river users,

2299

02:38:47.760 --> 02:38:51.220  
and then make a decision that would be the perfectly normal way of  
doing this,

2300

02:38:51.320 --> 02:38:55.380  
and you could achieve that in a, in an enforceable, precise and  
reasonable way,

2301

02:38:55.380 --> 02:38:59.690  
which is none of which is currently achieved by Article 18. Thank  
you.

2302

02:39:00.950 --> 02:39:04.170  
Uh, thank you Mr. Rowan. Uh, before turning to Mr. Greenwood,

2303

02:39:04.470 --> 02:39:08.410

I'd like to ask Ms. Hudson, does, uh, the Hub,

2304

02:39:08.410 --> 02:39:11.930

master Humber think that it is the approval body?

2305

02:39:13.190 --> 02:39:17.810

No. That, that's precisely, sir, what this amendment is meant to achieve, um,

2306

02:39:17.920 --> 02:39:20.210

that the hub master wouldn't be the approval body.

2307

02:39:25.910 --> 02:39:27.930

Mr. Greenwood, uh, in answering,

2308

02:39:27.930 --> 02:39:30.210

could you clarify who would be the approval body?

2309

02:39:32.720 --> 02:39:36.470

Brian Greenwood for a b p? Certainly, sir. Uh, and thank you.

2310

02:39:36.710 --> 02:39:40.710

I I think there, uh, Mr. Owen's comments, uh, are,

2311

02:39:40.770 --> 02:39:43.510

are driven by, if I may say very politely,

2312

02:39:43.590 --> 02:39:46.390

a lack of understanding of how the process actually works.

2313

02:39:47.110 --> 02:39:50.950

I have no wish to preempt what you are going to hear on Thursday in the

2314

02:39:50.950 --> 02:39:55.470

navigation hearing. There is a process in place. All I would say, sir,

2315

02:39:55.570 --> 02:40:00.230

is that process has already taken place through the N R A through the Hazard

2316

02:40:00.630 --> 02:40:05.310

workshops and, and, and through the, uh, consideration of,

2317

02:40:05.490 --> 02:40:06.590

uh, the,

2318

02:40:06.650 --> 02:40:11.030

the tolerability risks by the A B P, uh,

2319

02:40:11.250 --> 02:40:14.280

has board, which you will hear about on Thursday.

2320

02:40:14.900 --> 02:40:19.520

The starting point for this particular provision is, as Mr.

2321

02:40:19.550 --> 02:40:21.640

Owen has quite correctly said, uh,

2322

02:40:22.440 --> 02:40:27.160

a V p through its navigation risk assessment, which has involved all users,

2323

02:40:27.270 --> 02:40:32.120

does not consider that impact protection measures are required. Uh, Mr.

2324

02:40:32.150 --> 02:40:36.840

Owen is quite correct that it has been included should for any

2325

02:40:36.840 --> 02:40:39.240

reason it decided at a later date. Uh,

2326

02:40:39.310 --> 02:40:44.170

they are required then if all goes well, that they are consented.

2327

02:40:44.550 --> 02:40:47.930

But a B P's starting point at the moment is that they are not required,

2328

02:40:48.150 --> 02:40:53.050

and that is as a result of a very thorough simulation exercise,



2329

02:40:53.050 --> 02:40:57.930

hazard workshop exercise, and the, a comprehensive navigation risk assessment.

2330

02:40:58.430 --> 02:41:03.250

But, uh, uh, this touches on the points you specifically identified for, uh,

2331

02:41:03.500 --> 02:41:07.130

issue specific hearing too. So if I could, if I could leave it at that point,

2332

02:41:08.270 --> 02:41:12.970

We appreciate that. Um, uh, we look forward to Thursday, um,

2333

02:41:13.110 --> 02:41:16.130

for clarification on that. Um, thank you, Ms. Huts. Uh,

2334

02:41:17.040 --> 02:41:21.210

what I would suggest then is in preparation for Thursday,

2335

02:41:21.800 --> 02:41:26.730

that whilst it will to a certain extent be then confirmed in the note that

2336

02:41:26.730 --> 02:41:28.770

you'll be producing for D one,

2337

02:41:29.450 --> 02:41:34.410

I think that we will be asking for you to give a, an oral, uh,

2338

02:41:35.590 --> 02:41:36.423

uh,

2339

02:41:36.440 --> 02:41:41.050

explanation of the process for in particular,

2340

02:41:41.710 --> 02:41:45.170

the, uh, uh, assessment of, um, the, the,

2341

02:41:45.190 --> 02:41:46.810  
the rating of risk is all up

2342  
02:41:48.180 --> 02:41:49.890  
Brian Greenwood for a b p.

2343  
02:41:50.110 --> 02:41:53.170  
We did anticipate that that is what you would require, sir,

2344  
02:41:53.200 --> 02:41:54.090  
that will be prepared.

2345  
02:41:54.280 --> 02:41:55.113  
Very good,

2346  
02:41:55.950 --> 02:41:56.783  
Mr. Walker?

2347  
02:41:57.500 --> 02:42:01.770  
Thank you, sir. Angus Walker for D F D Ss, I have to, uh, add, um,  
uh,

2348  
02:42:02.270 --> 02:42:04.450  
my client's concern to this provision.

2349  
02:42:04.450 --> 02:42:08.050  
It's probably one of the ones they're most concerned about. Um,

2350  
02:42:09.030 --> 02:42:13.890  
in a way, it's neither here nor there as to who's deciding that  
this, um,

2351  
02:42:15.160 --> 02:42:20.130  
work is, is going to be built or not. It's what is the trigger for  
that,

2352  
02:42:20.340 --> 02:42:24.090  
given that we're currently in position of thinking it's not needed,

2353  
02:42:24.750 --> 02:42:27.850  
and we're worried that the trigger will be an accident,

2354

02:42:28.150 --> 02:42:32.530

not perhaps you are hoping that there'll be a near miss before there's an

2355

02:42:32.690 --> 02:42:33.850

accident, and then you'll be able to,

2356

02:42:34.910 --> 02:42:39.770

you'll be able to build this thing without any actual, um, damage to anything.

2357

02:42:40.270 --> 02:42:43.410

But that would appear to be the only thing that would change anyone's mind,

2358

02:42:43.470 --> 02:42:47.970

and that seems, um, a far too risky approach.

2359

02:42:49.190 --> 02:42:52.970

So I think Mr. Bradley was getting at this as well. What are,

2360

02:42:53.000 --> 02:42:55.090

what is going to be the trigger?

2361

02:42:55.090 --> 02:42:59.450

What conditions will make the risk change from the current one that you consider

2362

02:42:59.920 --> 02:43:02.930

that this is not necessary to one, the way you consider it is necessary.

2363

02:43:07.600 --> 02:43:09.660

Mr. Green, would you want to respond or again,

2364

02:43:09.720 --> 02:43:11.720

say that this is something you'll cover on on

2365

02:43:11.960 --> 02:43:13.800

Thursday? Yes, sir. Yeah, we will.

2366

02:43:15.670 --> 02:43:17.220  
Thank you, Mr. Walker. That's helpful.

2367  
02:43:30.900 --> 02:43:31.120  
Ms.

2368  
02:43:31.120 --> 02:43:32.160  
Green, anything further on

2369  
02:43:35.330 --> 02:43:37.480  
Brian Greenwood for a b p, sir? Uh,

2370  
02:43:38.040 --> 02:43:42.160  
I hope we only have two further questions for yourself.

2371  
02:43:42.300 --> 02:43:45.000  
And then I propose just to give you a, uh,

2372  
02:43:45.200 --> 02:43:48.800  
a summary of where we stand with protective provisions. But, um,

2373  
02:43:49.560 --> 02:43:54.320  
I think your first point, uh, that you raised, still, still  
outstanding is, um,

2374  
02:43:54.630 --> 02:43:57.680  
requirement 21 applications made under requirements.

2375  
02:44:01.440 --> 02:44:04.500  
Yes. And this, this specifically, um,

2376  
02:44:05.040 --> 02:44:09.460  
is in relation to any works, um, affecting,

2377  
02:44:10.240 --> 02:44:12.940  
um, the special area of conservation,

2378  
02:44:13.450 --> 02:44:16.020  
special protection area and Ramsar site,

2379  
02:44:17.150 --> 02:44:19.900

where in effect, um,

2380

02:44:20.280 --> 02:44:25.140

as drafted requirement 21 has a deemed approval written into

2381

02:44:25.140 --> 02:44:29.340

it. Um, now given the nature of, uh,

2382

02:44:29.680 --> 02:44:33.580

the protected habitat, that's problematic, uh,

2383

02:44:33.600 --> 02:44:35.620

and I've been there previously with another case.

2384

02:44:36.720 --> 02:44:41.580

Uh, thank you, sir. Um, uh, I should probably have, uh, added that to say,

2385

02:44:41.680 --> 02:44:45.580

to save you, uh, explaining your concern. That is going to be deleted, sir.

2386

02:45:06.650 --> 02:45:11.190

And Sir Brian Greenwood, a v p, your next point that you raised is, uh,

2387

02:45:11.780 --> 02:45:13.390

appeals 23,

2388

02:45:17.920 --> 02:45:21.910

Which is kind of back to the point we made earlier. Uh, when we were to,

2389

02:45:21.970 --> 02:45:25.910

we touched on control of Pollution Act, um,

2390

02:45:26.610 --> 02:45:29.510

and the appeal route using the Secretary of State.

2391

02:45:29.510 --> 02:45:33.230

And the difficulty that that then causes in terms of if an appeal is dismissed

2392

02:45:33.650 --> 02:45:37.110

and a prosecution, uh, required, um,

2393

02:45:37.220 --> 02:45:40.350

back to the magistrates because the Secretary of State can't, uh,

2394

02:45:40.460 --> 02:45:43.110

deal with ineffective fine.

2395

02:45:53.280 --> 02:45:56.820

And that's particularly pertinent to Section 60, where of course,

2396

02:45:56.910 --> 02:46:01.700

there potentially, uh, as far as the local authority is concerned, has been, um,

2397

02:46:02.020 --> 02:46:06.820

a level noise, uh, that, uh, generated, which it considers it needs to take, uh,

2398

02:46:07.160 --> 02:46:12.000

in effect remedial action by issuing the notice, trying to bring things, um,

2399

02:46:12.070 --> 02:46:16.320

back under control if a section 61, uh, consent had not been sought

2400

02:46:17.970 --> 02:46:20.440

Brian Greenwood for a v p. So I understand the point,

2401

02:46:20.440 --> 02:46:23.520

and it does link back to the point you made earlier, and we will, uh,

2402

02:46:23.630 --> 02:46:26.600

have a look at it and make amendments as appropriate.

2403

02:46:27.330 --> 02:46:32.240

There is, there is a further problem that if you look at paragraph 23 B,

2404

02:46:32.780 --> 02:46:36.800  
um, which again relates to, um,

2405

02:46:39.040 --> 02:46:42.960  
a notice issued under Section 60, 'cause that is not for discharge,

2406

02:46:43.830 --> 02:46:48.280  
that is an enforcement notice. So, um, were, um,

2407

02:46:49.750 --> 02:46:51.520  
this, this provision to remain,

2408

02:46:52.200 --> 02:46:55.880  
I would suggest it probably has to sit somewhere by itself

2409

02:46:56.830 --> 02:46:58.920  
outside anything that actually, uh,

2410

02:46:58.920 --> 02:47:03.000  
would be in an appeal against a discharge 'cause it's quite  
different, um,

2411

02:47:03.180 --> 02:47:07.960  
to say details for the design of something having been submitted and  
refused.

2412

02:47:13.650 --> 02:47:16.360  
Brian Green for a v p. Thank you, sir. That is noted as well.

2413

02:47:32.540 --> 02:47:33.373  
Mr. Walker,

2414

02:47:34.370 --> 02:47:39.280  
Angus Walker for D F D S before we leave Schedule two. Um, just, uh,  
paragraph,

2415

02:47:39.300 --> 02:47:43.800  
uh, requirement 19 is one of those tailpiece ones, um,

2416

02:47:44.890 --> 02:47:49.760  
where the dredge arisings could be transported to road by road if

the

2417

02:47:49.760 --> 02:47:52.640

impact is assessed and approved by the relevant planning authority,

2418

02:47:52.640 --> 02:47:56.720

which we think is not an acceptable draft.

2419

02:48:06.950 --> 02:48:07.450

Mr.

2420

02:48:07.450 --> 02:48:08.190

Williams

2421

02:48:08.190 --> 02:48:10.850

For a b p. Thank you, sir. That that is noted,

2422

02:48:15.390 --> 02:48:20.130

sir. Moving on.

2423

02:48:20.390 --> 02:48:24.010

Um, schedule three concerns a de Marine license.

2424

02:48:24.290 --> 02:48:27.690

I was proposing not to take you through this in detail because the drafting is

2425

02:48:27.690 --> 02:48:29.970

with the M M O at the moment, and, uh,

2426

02:48:31.360 --> 02:48:32.730

they are very prompt coming back,

2427

02:48:32.730 --> 02:48:36.170

so hopefully we'll certainly have something by deadline one. Uh,

2428

02:48:36.170 --> 02:48:37.250

and I can tell you where we

2429

02:48:37.250 --> 02:48:37.810

Are on that. I mean,



2430

02:48:37.810 --> 02:48:41.530

the real point for having this item on the agenda was for us to, in effect,

2431

02:48:41.600 --> 02:48:42.930

have an update from you.

2432

02:48:43.270 --> 02:48:48.250

You previously mentioned that the dialogue has commenced, um,

2433

02:48:48.910 --> 02:48:53.730

and really our concern was to make sure that all of the drafting points that the

2434

02:48:53.850 --> 02:48:56.930

M M O had raised are being looked at.

2435

02:48:57.430 --> 02:49:02.290

You may not agree with everything, but at least, um, that that dialogue is,

2436

02:49:02.310 --> 02:49:05.610

is in hand and it's sounding like it very much is, and that it,

2437

02:49:05.610 --> 02:49:10.440

this should not be something that is left ultimately to the 11th hour of the

2438

02:49:10.600 --> 02:49:14.480

examination. It looks like there, there might be earlier resolution than that.

2439

02:49:15.670 --> 02:49:19.320

Yeah, so Brian Greenwood for a B P I, I like to think, in fact,

2440

02:49:19.320 --> 02:49:20.560

these are quite positive, uh,

2441

02:49:20.560 --> 02:49:24.040

negotiations discussions we're having with Marine Management organization.

2442

02:49:24.530 --> 02:49:28.480

Again, this is a body that a B P deal with regularly anyway, with, with,

2443

02:49:28.550 --> 02:49:33.320

with their works now, sir, subject to, uh,

2444

02:49:33.410 --> 02:49:37.160

hands being raised across the floor, um,

2445

02:49:37.640 --> 02:49:41.560

I was just going to give you a summary of where we are on the protective

2446

02:49:41.560 --> 02:49:45.320

provisions. I can do that very briefly, just so you see what, what is

2447

02:49:45.910 --> 02:49:46.743

Happening.

2448

02:49:50.700 --> 02:49:51.600

So sir, um,

2449

02:49:53.140 --> 02:49:57.040

the first protective provision is for the protection of the Humber Conservancy

2450

02:49:57.040 --> 02:50:01.400

Commissioners, uh, putting aside their name, sir. Um,

2451

02:50:01.870 --> 02:50:05.080

that is, that is almost agreed. I understand, uh,

2452

02:50:05.390 --> 02:50:08.000

from hover Master's lawyer that there one or two, uh,

2453

02:50:08.310 --> 02:50:12.080

adjustments they may wish us to make and we look forward to receiving,

2454

02:50:12.270 --> 02:50:16.240  
receiving those from them. Um,

2455

02:50:18.110 --> 02:50:21.840  
Next one is protection of the Environment Agency. And, uh, Ms.

2456

02:50:21.900 --> 02:50:24.960  
Hutson may wish to comment. Uh, we have been in,

2457

02:50:25.440 --> 02:50:28.520  
I like to think positive negotiations with the Environment Agency.

2458

02:50:28.740 --> 02:50:31.320  
We are almost there, I hope. Uh,

2459

02:50:31.420 --> 02:50:36.400  
we did write back to the Environment Agency earlier this week or the  
end of last

2460

02:50:36.400 --> 02:50:40.800  
week, uh, in that there was a request, um, uh,

2461

02:50:41.250 --> 02:50:44.280  
concerning the fact that we wanted a,

2462

02:50:44.380 --> 02:50:48.760  
or suggested that we should have a deemed refusal, uh, a deemed  
approval rather,

2463

02:50:48.760 --> 02:50:52.080  
whereas the Environment Agency, uh, said on an application,

2464

02:50:52.180 --> 02:50:54.040  
if they haven't come back within the time period,

2465

02:50:54.260 --> 02:50:58.720  
it should be a refusal that actually is the standard precedent and  
we've

2466

02:50:58.880 --> 02:51:03.040  
accepted what the Environment Agency have to say. I don't know if,

uh, uh, Ms.

2467

02:51:03.220 --> 02:51:06.200

Hutson, uh, wants to comment any further on that.

2468

02:51:10.450 --> 02:51:11.630

Ms. Hutson, uh,

2469

02:51:14.140 --> 02:51:18.630

Annette Hutson for the Environment Agency, um, no,

2470

02:51:18.710 --> 02:51:21.590

I don't wish make any further comments. Uh, thank you. Um,

2471

02:51:21.890 --> 02:51:25.550

the applicant is going to, uh, amend that provision for us,

2472

02:51:25.550 --> 02:51:27.430

so we're very satisfied with that. Thank you.

2473

02:51:31.080 --> 02:51:35.830

Thank you for that. Uh, Ms. Huon. So, uh, carrying on,

2474

02:51:36.050 --> 02:51:38.310

sir. Um, the, uh,

2475

02:51:38.800 --> 02:51:43.070

protective provision for Exum is under discussion with Exum,

2476

02:51:43.610 --> 02:51:48.470

um, the protective provision for the Humber Oil terminal or trustees.

2477

02:51:48.790 --> 02:51:50.310

I did touch on this morning,

2478

02:51:50.480 --> 02:51:55.270

we've had a draft back from Humber Oil Trustee trustees.

2479

02:51:55.810 --> 02:51:58.030

Um, we are some way apart,

2480

02:51:58.690 --> 02:52:02.830

and I think the simple thing is we are going to have to sit down with them and,

2481

02:52:03.090 --> 02:52:07.680

uh, see where we can get to, and you will have a full review of,

2482

02:52:07.820 --> 02:52:12.800

of where we have got to for deadline one. But, uh, that protect, uh, that,

2483

02:52:12.800 --> 02:52:16.800

that protective provision is one of the key issues in dispute at the moment.

2484

02:52:17.300 --> 02:52:20.160

And, uh, you will not be surprised that it goes to, uh,

2485

02:52:20.580 --> 02:52:23.440

the provision of the impact protection measures.

2486

02:52:26.340 --> 02:52:30.200

If I may, uh, just ask for a little clarification here. Um,

2487

02:52:31.420 --> 02:52:36.360

the representation, uh, for, from the I O T operators essentially is a,

2488

02:52:36.440 --> 02:52:40.280

a joint one between a P T and H O T T. Um,

2489

02:52:41.450 --> 02:52:46.320

would you elucidate whether there's any need for protective provision to a p t?

2490

02:52:48.900 --> 02:52:51.040

Uh, Brian Greenman for a b P, and sir,

2491

02:52:51.180 --> 02:52:55.280

I'm going to look two or three down, I think. Uh,

2492  
02:52:56.620 --> 02:53:00.520  
is a p t the agent who operates I o T,

2493  
02:53:01.140 --> 02:53:05.800  
so they, they they are, they're almost one and the same,

2494  
02:53:05.910 --> 02:53:10.640  
obviously not legally such. Yes. Uh, A P T are the operator, I am told,

2495  
02:53:10.740 --> 02:53:12.160  
but H O T T

2496  
02:53:13.350 --> 02:53:13.720  
Less

2497  
02:53:13.720 --> 02:53:14.680  
E are less E

2498  
02:53:15.860 --> 02:53:17.120  
That's very clear. Guess.

2499  
02:53:19.220 --> 02:53:23.400  
And, and, and as I say, sir, uh, we are some way apart and clearly, uh,

2500  
02:53:23.400 --> 02:53:25.840  
particularly in light of your comments earlier on,

2501  
02:53:25.860 --> 02:53:29.560  
we need to sit down with them and we need to sit down with them quickly. Uh,

2502  
02:53:30.710 --> 02:53:35.400  
they, uh, I I should explain sir, that they are looking for the, uh,

2503  
02:53:37.140 --> 02:53:40.560  
the provision of the impact protection measures and the provision of the impact

2504  
02:53:40.560 --> 02:53:44.600

protection measures before we commence any works. So, uh,

2505

02:53:44.740 --> 02:53:47.920

as I say somewhere apart, um,

2506

02:53:48.140 --> 02:53:52.480

Um, I would just encourage you to, um,

2507

02:53:56.310 --> 02:53:58.400

welcome to the Thursday hearing.

2508

02:54:00.220 --> 02:54:01.840

We did think that they would be here today,

2509

02:54:04.250 --> 02:54:08.800

Brian Greenfield, A B P. Yes sir. We will make contact, uh, with, uh,

2510

02:54:08.800 --> 02:54:13.680

with them and invite them. I should also say, sir, that when we release the,

2511

02:54:13.860 --> 02:54:16.480

uh, track change version of the T C O,

2512

02:54:16.600 --> 02:54:20.200

I will specifically make sure that their lawyers are aware of the changes to

2513

02:54:20.200 --> 02:54:24.840

requirement 1918. Thank you, sir. So,

2514

02:54:25.480 --> 02:54:28.960

carrying on, uh, Northern Power Grid, um,

2515

02:54:29.260 --> 02:54:33.920

we are nearing agreement with Northern Power Grid Ang Water.

2516

02:54:34.780 --> 02:54:38.680

The draft is substantially settled DB Cargo,

2517

02:54:38.900 --> 02:54:40.160  
as we have now, uh,

2518  
02:54:41.580 --> 02:54:46.280  
sorted out the amendment in rights of way, um, that is now settled.

2519  
02:54:46.540 --> 02:54:48.520  
Agreed. And they will fall away in fact,

2520  
02:54:48.520 --> 02:54:52.480  
and not participate Network rail. Um,

2521  
02:54:53.250 --> 02:54:58.080  
there is a draft, uh, protective provision in existence. Uh,

2522  
02:54:58.300 --> 02:55:03.000  
the protective provision has not moved on as fast as either of us  
would've liked

2523  
02:55:03.180 --> 02:55:07.720  
because network rail engineers want to be certain as to the lighting

2524  
02:55:07.820 --> 02:55:11.400  
issues that I mentioned earlier, as far as their, their, uh,

2525  
02:55:11.620 --> 02:55:13.800  
trains going around the outside of the port,

2526  
02:55:14.340 --> 02:55:16.320  
we are in positive negotiations with them.

2527  
02:55:16.320 --> 02:55:18.920  
They're going to come and visit the site and, uh,

2528  
02:55:20.630 --> 02:55:23.440  
hopefully that is something that will be resolved. It, uh,

2529  
02:55:23.620 --> 02:55:27.880  
may well be one of the later ones to resolve, but we'll see how that  
proceeds,

2530



02:55:28.820 --> 02:55:33.200  
uh, north Northeast Lincolnshire Council as lead local flood  
authority.

2531  
02:55:33.390 --> 02:55:38.320  
That is a substantially agreed Cadent, uh, gas.

2532  
02:55:38.780 --> 02:55:41.240  
Um, we are negotiating, uh,

2533  
02:55:41.350 --> 02:55:45.480  
they have provided us with a draft protective provision, uh,

2534  
02:55:45.480 --> 02:55:50.160  
which we've amended sent back to 'em. It's toing and froing. I  
think, uh,

2535  
02:55:50.500 --> 02:55:52.520  
the ball is in their court at the moment,

2536  
02:55:52.700 --> 02:55:54.640  
so we are waiting in response from them.

2537  
02:55:56.320 --> 02:56:00.800  
Operators of electric communications that is, uh, BT and Virgin,

2538  
02:56:01.400 --> 02:56:05.240  
I think BT have approved Virgin, um, uh,

2539  
02:56:05.980 --> 02:56:09.800  
are in negotiation, but it is just protecting their rights to,

2540  
02:56:09.860 --> 02:56:11.080  
to access the site.

2541  
02:56:11.940 --> 02:56:16.240  
And then that just leaves C L D N and D F D Ss. And, uh,

2542  
02:56:16.400 --> 02:56:17.880  
I foresee, um,

2543

02:56:18.680 --> 02:56:22.480  
positive meetings with both parties over the next week or so, sir,

2544

02:56:27.060 --> 02:56:31.760  
and that sir is my less than quick run through the, uh, draft D C o.

2545

02:56:34.880 --> 02:56:39.590  
Thank you Mr. Greenwood. Before I, um, um, hand back to you, Mr.

2546

02:56:39.680 --> 02:56:40.270  
Gould, uh,

2547

02:56:40.270 --> 02:56:44.150  
there's just something we skipped over very quickly on schedule three. Um,

2548

02:56:44.490 --> 02:56:47.110  
and I just wanted to pick up to your point,

2549

02:56:47.750 --> 02:56:52.590  
I haven't seen in MMOs representation anything regarding the, um,

2550

02:56:52.850 --> 02:56:57.310  
marine written scheme of archeological investigation. Um,

2551

02:56:57.690 --> 02:57:01.110  
nor have I seen anything specifically from, uh,

2552

02:57:01.550 --> 02:57:05.750  
historic England in regard to securing the, uh,

2553

02:57:05.910 --> 02:57:10.150  
W S I, uh, as a certified document. Um, would,

2554

02:57:10.280 --> 02:57:14.630  
could I ask you to take that away and consider whether it should be a certified

2555

02:57:14.830 --> 02:57:15.663  
document?

2556

02:57:15.730 --> 02:57:18.430

Yes. Thank you, sir. Brian Greenwood from a b p, uh,

2557

02:57:18.480 --> 02:57:20.190

there have coincidentally been,

2558

02:57:20.190 --> 02:57:23.550

there has been correspondence on that very matter over the last week or so.

2559

02:57:24.450 --> 02:57:28.350

It is in place we need to clarify and give you an update. So thank you, sir,

2560

02:57:28.350 --> 02:57:29.183

for the reminder.

2561

02:57:34.020 --> 02:57:38.930

Thank you, Mr. Greenwood. Um, hearing what you've said in terms of,

2562

02:57:40.270 --> 02:57:44.690

um, having metaphorically an open door to at least

2563

02:57:45.640 --> 02:57:50.130

talk things over with C L D N and for that matter, D F D ss,

2564

02:57:50.430 --> 02:57:55.290

we would certainly, as Mr. Bradley indicated, implore you to do that,

2565

02:57:55.590 --> 02:57:58.690

and hopefully the other side of the room will be

2566

02:58:00.600 --> 02:58:02.640

willing at least to, uh,

2567

02:58:02.750 --> 02:58:07.480

participate in discussion as to where that might take the parties, um,

2568

02:58:07.610 --> 02:58:11.800

while that will resolve itself in the fullness of time. Um,

2569

02:58:11.900 --> 02:58:13.800

but turning, um,

2570

02:58:14.340 --> 02:58:17.880

to C L D N in terms of protective provisions, Mr. Owen,

2571

02:58:17.980 --> 02:58:20.000

do you wish to say anything at this point?

2572

02:58:22.700 --> 02:58:26.920

Uh, robo in for, uh, C L D N? Uh, uh, I mean, we,

2573

02:58:26.920 --> 02:58:31.280

we've got a listen our ahead of the kind of issues that we would think

2574

02:58:31.860 --> 02:58:36.600

are reasonable to deal with the protection of CDNs,

2575

02:58:36.700 --> 02:58:38.200

uh, undertaking. And it, it,

2576

02:58:38.200 --> 02:58:42.400

it is important to recognize that it is a statutory undertaking,

2577

02:58:42.420 --> 02:58:46.120

and that is what protective provisions are primarily for. Um, uh,

2578

02:58:46.200 --> 02:58:49.520

I mentioned earlier we, uh, uh, submitted with our relevant representation,

2579

02:58:50.180 --> 02:58:53.360

the basis of C L D N'S statutory operation, uh,

2580

02:58:53.540 --> 02:58:57.880

as a Harbor Authority in the Humber, namely the, uh,

2581

02:58:57.880 --> 02:59:02.520

north killing Home Haven Harbor Empowerment Order of 1994 and the

Humber Sea

2582

02:59:02.800 --> 02:59:07.480

Terminal Phase three Harbor Vision order of 2006. So that's the basis for,

2583

02:59:07.980 --> 02:59:10.240

uh, seeking the protection. And, uh, I,

2584

02:59:10.320 --> 02:59:12.960

I won't take up time now unless you'd like me to,

2585

02:59:13.260 --> 02:59:17.120

in terms of setting out our emerging thinking of the kind of issues we would

2586

02:59:17.350 --> 02:59:20.880

wish to have protection in, in relation to, and they, they, they,

2587

02:59:20.880 --> 02:59:24.760

they will include some consideration of rail access because, um, uh,

2588

02:59:24.760 --> 02:59:29.680

that is also an important consideration for C L D N. Uh, and, um, uh,

2589

02:59:29.780 --> 02:59:33.320

the network in the area is not wholly within the control of, uh,

2590

02:59:34.400 --> 02:59:35.180

A B P.

2591

02:59:35.180 --> 02:59:38.800

It does revert to network rail control to the west for the section that runs

2592

02:59:38.800 --> 02:59:41.240

through the, uh, able Marine Energy Park,

2593

02:59:41.240 --> 02:59:45.280

and then the C L D N site and C L D N holds the benefit of agreements with

2594

02:59:45.280 --> 02:59:48.880

network rail, uh, uh, that connect the sidings to the national network,

2595

02:59:48.940 --> 02:59:49.773

and therefore,

2596

02:59:50.060 --> 02:59:54.120

the impact of the development on the rail network is therefore a matter of

2597

02:59:54.120 --> 02:59:58.680

concern for us. So, um, uh, I would make those points and,

2598

02:59:58.700 --> 03:00:03.360

and also the, the, the, um, we, we,

2599

03:00:03.380 --> 03:00:07.040

we are currently considering and we'll need to see

2600

03:00:08.220 --> 03:00:11.520

how things appear with the revised schedule. Two,

2601

03:00:11.710 --> 03:00:16.680

whether there's justification for C L D N to be a statutory

2602

03:00:16.680 --> 03:00:19.200

consultee in relation to some of the discharge of the requirements,

2603

03:00:19.200 --> 03:00:22.960

because of course, the protective provisions aren't the answer to everything.

2604

03:00:23.470 --> 03:00:27.000

They will assist, but there'll be other MA matters that concern us,

2605

03:00:27.000 --> 03:00:31.440

which will get determined schemes of mitigation of this, that, and the other.

2606

03:00:31.490 --> 03:00:36.400

Under, uh, gets determined through submissions made, uh,

2607

03:00:36.540 --> 03:00:39.320

in accordance with the various requirements and Schedule two.

2608

03:00:39.420 --> 03:00:43.160

And as would be normal for certain, uh, interests,

2609

03:00:43.530 --> 03:00:46.480

there may be a requirement for us to be noted there as, uh,

2610

03:00:46.480 --> 03:00:50.520

requiring to be consulted before any decision is taken by the local planning

2611

03:00:50.520 --> 03:00:55.280

authority, for example, um, on, on, on a discharge of a requirement. So I,

2612

03:00:55.440 --> 03:00:59.880

I think that's why we wish to say at this moment in time, in terms terms of, uh,

2613

03:00:59.880 --> 03:01:03.480

where we are with, um, uh, our thinking on the protective provisions.

2614

03:01:03.480 --> 03:01:08.120

And we will, um, uh, of course take part, um,

2615

03:01:08.600 --> 03:01:12.560

positively in discussions with, uh, A B P, uh, as, as we would wish to,

2616

03:01:12.560 --> 03:01:15.160

and you would wish us to as well. And, uh,

2617

03:01:16.030 --> 03:01:20.720

hopefully by the time we come to, uh, deadline two, uh,

2618

03:01:20.900 --> 03:01:23.880

in our written representation, we would, we would've made some progress, but if,

2619

03:01:24.020 --> 03:01:28.360

if, well, whichever, whichever way, whichever where it got to by then,

2620

03:01:28.360 --> 03:01:31.880

we will set out in our written representation where we've got to on protective

2621

03:01:31.880 --> 03:01:36.480

provisions and set out what we think is required, um, uh, in that respect.

2622

03:01:36.890 --> 03:01:37.723

Thank you.

2623

03:01:37.930 --> 03:01:41.320

Thank you, Mr. Owen. Yeah. Um, yeah, if,

2624

03:01:41.700 --> 03:01:45.120

if little progress has been made by deadline to, to,

2625

03:01:45.180 --> 03:01:49.200

it is gonna be important for you to set out what it is you have been seeking,

2626

03:01:50.100 --> 03:01:54.320

um, what the applicant may or may not have agreed with you at that point.

2627

03:01:54.990 --> 03:01:55.780

Also, yes,

2628

03:01:55.780 --> 03:02:00.400

if you can identify which requirements you think you might need to be consulted

2629

03:02:00.400 --> 03:02:04.240

on, again, that would assist our understanding of, um,

2630



03:02:04.750 --> 03:02:08.920  
that side of, uh, of your interest in that regard.

2631  
03:02:09.660 --> 03:02:12.560  
Yes. And, and, and so just in that respect me, it,

2632  
03:02:12.800 --> 03:02:17.800  
this is slightly going over some of the ground with this morning's preliminary

2633  
03:02:17.800 --> 03:02:20.040  
meeting, but, uh, obviously we,

2634  
03:02:20.060 --> 03:02:24.120  
we are keen for there not to be a moving target in terms of the wording of the D

2635  
03:02:24.160 --> 03:02:28.800  
C 0, and at the moment, the Rule six timetable has, uh,

2636  
03:02:29.160 --> 03:02:34.080  
revised D C 0 both at deadline one and a deadline two. Um, and as,

2637  
03:02:34.140 --> 03:02:38.560  
as Mr. Walker said earlier, I would've thought that, um, if, if,

2638  
03:02:38.620 --> 03:02:42.120  
if the moving target of of a further D C 0 deadline two could be removed,

2639  
03:02:42.350 --> 03:02:43.560  
then at least, uh,

2640  
03:02:43.840 --> 03:02:48.360  
C L D N and other interested parties will know that the version of the, uh,

2641  
03:02:48.680 --> 03:02:50.640  
revised draft D C 0 submitted a deadline.

2642  
03:02:50.660 --> 03:02:54.440  
One is the target on which they then comment at deadline two in

their written

2643

03:02:54.440 --> 03:02:57.480

representation. Uh, otherwise we could all be going around in circles.

2644

03:03:01.700 --> 03:03:06.520

Mr. Greenwood, in terms of that draft D C O, um,

2645

03:03:08.780 --> 03:03:11.680

are, do, do you consider that at Deadline one,

2646

03:03:11.900 --> 03:03:16.840

you will have been able to make sufficient progress in the redraft for,

2647

03:03:16.840 --> 03:03:21.840

there's something to be, um, if you like, with meet on,

2648

03:03:22.660 --> 03:03:27.320

um, that the, you know, everybody can look at and comment on, um,

2649

03:03:27.780 --> 03:03:32.760

and that in effect vacate any sort of submission of a draft at Deadline

2650

03:03:32.860 --> 03:03:33.693

two.

2651

03:03:36.090 --> 03:03:40.320

Brian Greenwood for a b p. So sitting here today,

2652

03:03:40.700 --> 03:03:45.040

the intention is that we would be circulating something with sufficient meat.

2653

03:03:45.180 --> 03:03:49.600

It would not be the finished product, but, uh, taking all of the points,

2654

03:03:50.180 --> 03:03:54.600

uh, and wishing to move this on, which is what a p p want to do,

2655

03:03:55.300 --> 03:03:57.920

we will give you something that is substantive. Uh,

2656

03:03:58.020 --> 03:04:00.640

as far as getting comments for the next round,

2657

03:04:03.920 --> 03:04:08.600

I think that would address certainly Mr. Owen's point, and it might address, um,

2658

03:04:08.600 --> 03:04:09.640

something that Mr. Walker,

2659

03:04:09.760 --> 03:04:14.360

I think raised also on behalf of his client in terms of not too many

2660

03:04:14.790 --> 03:04:19.160

dcos floating around. Um, and, um,

2661

03:04:20.270 --> 03:04:23.600

yeah, potentially deadline, deadline one, deadline two, deadline three.

2662

03:04:23.600 --> 03:04:28.520

They're all quite close together, so I think it's gonna assist everybody.

2663

03:04:29.100 --> 03:04:33.200

If there wasn't a draft D C O that arrived at Deadline Two,

2664

03:04:34.340 --> 03:04:38.040

um, people will have the opportunity if, if one comes at deadline, one,

2665

03:04:38.040 --> 03:04:41.840

they'll have the opportunity to have a good look at whatever the redraft is,

2666

03:04:42.700 --> 03:04:44.440

and then the scope, uh,

2667

03:04:44.460 --> 03:04:48.600

to take on board any comment that comes in and look at maybe  
deadline three or

2668

03:04:48.920 --> 03:04:52.480

deadline for another iteration. I,

2669

03:04:52.500 --> 03:04:56.400

if that proves necessary. Just before I ask, uh, Mr.

2670

03:04:56.400 --> 03:05:01.240

Walker for any observations he's got on protective provisions, um,  
Mr.

2671

03:05:01.310 --> 03:05:05.800

Owen, in his oral submission a minute ago, mentioned train,

2672

03:05:06.260 --> 03:05:10.040

uh, the effect on the, um, train network. One thing that,

2673

03:05:10.140 --> 03:05:11.600

and I I pre-warn you now,

2674

03:05:11.600 --> 03:05:16.360

because it may be that both C L D N and the applicant need to go  
away and,

2675

03:05:16.380 --> 03:05:19.080

and do a little bit of research, um,

2676

03:05:19.370 --> 03:05:23.960

train pathways for both C L D N, um, and,

2677

03:05:24.500 --> 03:05:27.840

um, At Ingham,

2678

03:05:28.630 --> 03:05:33.560

will it be possible for Thursday to have got a handle on who's got  
what

2679

03:05:33.880 --> 03:05:36.200

pathways? Um, so that we've,

2680

03:05:36.200 --> 03:05:38.920

we've got an understanding of how many pathways there are,

2681

03:05:38.920 --> 03:05:43.720

what the utilization of those pathways are. Um, so we, again,

2682

03:05:43.720 --> 03:05:45.400

we've got a, um,

2683

03:05:46.430 --> 03:05:51.280

shouldn't have to spend time thinking about just what the implications

2684

03:05:51.460 --> 03:05:56.360

for, uh, the use of the local rail work system is. Is,

2685

03:05:56.420 --> 03:05:59.600

is that something that from your perspective, um,

2686

03:05:59.870 --> 03:06:03.520

your team think you can go away and establish,

2687

03:06:04.580 --> 03:06:08.760

Uh, Robbie, Erin, c r d n? Um, I, I, I can certainly, uh,

2688

03:06:08.830 --> 03:06:10.920

take instructions on that, and we have the details,

2689

03:06:11.060 --> 03:06:15.800

so we will make sure that we come to the hearing on

2690

03:06:16.040 --> 03:06:18.200

Thursday with those details so that we can provide them

2691

03:06:20.220 --> 03:06:21.720

And Mr. Greenwood, Brian

2692

03:06:21.720 --> 03:06:26.200

Greenwood, uh, a b p. So if I can assist, um, the, the,

2693

03:06:26.660 --> 03:06:30.960

our project, as you realize, sir does not involve, uh, any train movements. Mr.

2694

03:06:31.240 --> 03:06:36.040

Ern is quite right, and indeed, uh, Mr. Walker is also well aware that, uh,

2695

03:06:36.380 --> 03:06:40.600

the railway track that runs through the Port of state is under the control owned

2696

03:06:40.620 --> 03:06:41.480

by a V P,

2697

03:06:41.780 --> 03:06:46.400

but is also quite right that the line then feeds cross country, uh,

2698

03:06:46.780 --> 03:06:48.720

and others feed onto it. Uh,

2699

03:06:48.830 --> 03:06:53.240

what we are doing on the project will not affect any routes that those,

2700

03:06:53.470 --> 03:06:57.320

that those train movements want. Uh, we are, there's a level crossing and, uh,

2701

03:06:57.410 --> 03:06:59.600

train movements will be unaffected by the project.

2702

03:07:00.360 --> 03:07:04.360

I will speak with the engineers to make sure that is actually the case for

2703

03:07:04.800 --> 03:07:05.180

Thursday,

2704

03:07:05.180 --> 03:07:08.480

but that is certainly the understanding and the way we have drafted

the

2705

03:07:08.480 --> 03:07:09.313

assessment.

2706

03:07:10.450 --> 03:07:14.080

Thank you, Mr. Walker.

2707

03:07:15.470 --> 03:07:19.040

Angu Angus Walker for D F T S, I don't really have much to add it,

2708

03:07:19.040 --> 03:07:21.640

but on protected provisions, I'm given that Mr.

2709

03:07:21.710 --> 03:07:25.480

Greenwood does not think we need any, I don't think he's going to draft any,

2710

03:07:25.500 --> 03:07:28.200

so the onus is on us to produce those. Um,

2711

03:07:28.540 --> 03:07:32.520

we are obviously focusing this week on the hearings and,

2712

03:07:32.700 --> 03:07:37.280

but we will come up with something as soon as we can after Thursday's hearing.

2713

03:07:41.030 --> 03:07:41.863

Thank you, Ms. Walker.

2714

03:07:51.780 --> 03:07:55.750

Does any other party wish to raise anything about protective provisions?

2715

03:07:55.890 --> 03:07:57.750

I'm looking at the Harbor Authority

2716

03:08:00.510 --> 03:08:02.390

Victoria Hutton for the Harbor Authority. No, sir.

2717

03:08:19.510 --> 03:08:22.850

Um, we are almost at the end of the hearing.

2718

03:08:22.950 --> 03:08:24.530

If everybody is content,

2719

03:08:24.700 --> 03:08:28.290

we'll hopefully go on for about another 15 minutes.

2720

03:08:28.490 --> 03:08:32.490

I think that should bring everything to a conclusion in terms of what we can

2721

03:08:32.490 --> 03:08:36.850

usefully do today. It may even be a little bit quicker than that.

2722

03:08:37.310 --> 03:08:40.330

Um, agenda item four is other,

2723

03:08:40.460 --> 03:08:44.650

other consent licenses and agreements, Mr. Greenwood,

2724

03:08:45.060 --> 03:08:48.530

other than the highway agreement, which you mentioned earlier,

2725

03:08:48.750 --> 03:08:49.770

is there anything else?

2726

03:08:55.580 --> 03:08:58.090

Brian Greenwood for, uh, a V p? Yes.

2727

03:08:58.090 --> 03:09:02.250

So the section 1 3 5 consent we will require from the Crown Estate, but, uh,

2728

03:09:02.760 --> 03:09:06.690

that yes, yes, that, just those two,

2729

03:09:10.410 --> 03:09:12.910

And we touched on that one earlier. Um,

2730



03:09:13.490 --> 03:09:17.790  
the sooner that can be resolved the better because, um, it,

2731  
03:09:18.090 --> 03:09:21.350  
that's an area that can linger if the crown, um,

2732  
03:09:23.520 --> 03:09:27.030  
isn't encouraged to come to the table early enough.

2733  
03:09:27.490 --> 03:09:32.270  
And it can cause difficulties, as I said earlier, in reporting, uh,  
Mr. Vin,

2734  
03:09:32.810 --> 03:09:36.070  
Uh, Robbie, o c r d n, uh, can, can I just raise an a, a a,

2735  
03:09:36.670 --> 03:09:41.470  
a question about the licensing of works by the Conservancy  
authority? Ms.

2736  
03:09:41.470 --> 03:09:46.230  
Hutton mentioned that earlier in that the Conservancy Authority has  
the power to

2737  
03:09:46.230 --> 03:09:46.930  
license works,

2738  
03:09:46.930 --> 03:09:51.870  
and that is normally coupled with a prohibition on the construction  
of works

2739  
03:09:52.180 --> 03:09:55.920  
without a license or indeed dredging. Um, I'm wondering,

2740  
03:09:55.940 --> 03:09:58.280  
and it may be I've missed it, and in which case I'm sure Mr.

2741  
03:09:58.320 --> 03:09:59.480  
A Greenman will point me out to it,

2742  
03:09:59.480 --> 03:10:03.880  
but article three of the D C O does not justly, uh,

2743

03:10:03.900 --> 03:10:08.800

so far as I can see, um, the, um, Humber Conservancy licensing regime.

2744

03:10:09.340 --> 03:10:14.320

Um, and if I'm right, that without a license works are prohibited,

2745

03:10:15.220 --> 03:10:15.890

um,

2746

03:10:15.890 --> 03:10:20.320

would that not need to be dealt with by a dis application in Article three?

2747

03:10:20.700 --> 03:10:24.600

Um, or, uh, alternatively, um, are,

2748

03:10:24.620 --> 03:10:28.920

are we to understand that a a works license will be obtained by

2749

03:10:29.760 --> 03:10:34.240

a B P from the Conservancy authority in addition to getting the D C O?

2750

03:10:35.650 --> 03:10:36.483

Thank you.

2751

03:10:38.450 --> 03:10:40.520

Thank you, Mr. In fact, that's, uh,

2752

03:10:40.520 --> 03:10:44.560

anticipated the question we wanted to raise on Thursday. So I think, um,

2753

03:10:50.410 --> 03:10:52.250

I, sorry, are you, uh,

2754

03:10:52.320 --> 03:10:55.170

able to respond today or would you like to take that away?

2755

03:10:56.100 --> 03:11:00.370

Thank you, sir. Brian Greenwood for the A B P I think I have an answer, sir,

2756

03:11:00.370 --> 03:11:02.490

but I'd rather take it away just in case.

2757

03:11:05.140 --> 03:11:05.973

Thank you,

2758

03:11:06.630 --> 03:11:08.330

Ms. Hutton. Anything to comment?

2759

03:11:08.870 --> 03:11:11.010

Uh, uh, Victoria Haston for the Harbor Master,

2760

03:11:11.230 --> 03:11:15.610

so I may be able to assist certainly with our understanding is that Article

2761

03:11:15.610 --> 03:11:20.410

34 of the draft order dis applies the relevant legislation, uh,

2762

03:11:20.550 --> 03:11:24.650

and then is effectively replaced with the protective provisions,

2763

03:11:25.350 --> 03:11:29.170

uh, in part one of Schedule four, particularly paragraph three.

2764

03:11:34.570 --> 03:11:37.910

So sir, it's, it's, um, section nine.

2765

03:11:38.100 --> 03:11:42.910

It's particularly Section nine of the Humber Conservancy Act 1899 and

2766

03:11:42.910 --> 03:11:46.790

Section six two, uh, of the Humber Conservancy Act 1905.

2767

03:11:47.240 --> 03:11:48.073

We're going to check,

2768

03:11:48.210 --> 03:11:53.030

but we think actually sections 25 and 26 of the 1852 Act

2769

03:11:54.040 --> 03:11:57.430

don't exist any longer, but I'm aware No,

2770

03:11:57.820 --> 03:11:58.310

They're

2771

03:11:58.310 --> 03:11:59.830

Not appeal, sorry? They're not

2772

03:11:59.830 --> 03:12:00.750

Applied to the,

2773

03:12:01.240 --> 03:12:03.230

Sorry. Yes, we, we'll, we'll, we'll check that point.

2774

03:12:03.290 --> 03:12:06.830

I'm afraid I get a slightly lost in the historic legislation, but we,

2775

03:12:07.250 --> 03:12:10.830

we will double check that, but that's how we understand the order to work.

2776

03:12:13.480 --> 03:12:17.630

Could we put that down as a double action, if you like, between, uh,

2777

03:12:17.630 --> 03:12:20.910

applicant and, uh, the Harper Authority? Thank you. Uh,

2778

03:12:23.290 --> 03:12:24.123

Mr.

2779

03:12:24.210 --> 03:12:28.910

Uh, robo and C R D N I, I think that's a classic illustration of how, um,

2780

03:12:30.010 --> 03:12:33.350

the, the arrangement of the D C O needs to be, uh,

2781

03:12:33.350 --> 03:12:37.190

further considered because you would normally expect to see, uh,

2782

03:12:37.380 --> 03:12:41.670

what is Article 34 in Article three? 'cause it's, it's a dis application. Uh,

2783

03:12:41.670 --> 03:12:45.590

and I would invite Mr. Greenwood to, um, consider, uh,

2784

03:12:45.590 --> 03:12:49.310

whether those two articles might be merged to provide clarity to,

2785

03:12:49.730 --> 03:12:54.240

to readers so that it's very clear and the expansion memorandum can, uh,

2786

03:12:54.350 --> 03:12:57.840

make further comment on that, of course, as to what the regime's gonna be,

2787

03:12:57.840 --> 03:13:00.960

because you've got similar dis applications in Article three,

2788

03:13:01.540 --> 03:13:04.600

and then you jump to 34, as we've just been told.

2789

03:13:05.940 --> 03:13:06.773

But you,

2790

03:13:51.290 --> 03:13:55.850

But as far as, um, those other consents that you've,

2791

03:13:56.020 --> 03:13:58.290

there are no others that you're aware of, thank you.

2792

03:14:05.540 --> 03:14:08.890

Right. Turning to any other business and, um,

2793

03:14:10.090 --> 03:14:11.090

anything from the applicant,

2794

03:14:12.220 --> 03:14:15.130

Brian Greenwood for a b P? No, sir. Thank you,

2795

03:14:16.990 --> 03:14:19.330

Mr. Owen. Anything from C L D N? Uh,

2796

03:14:19.430 --> 03:14:22.890

Robbie Owen. C l d n. Uh, sir, just, uh, uh, uh,

2797

03:14:22.920 --> 03:14:26.090

item six referred to a written action list will be published.

2798

03:14:26.340 --> 03:14:27.850

We're gonna come to that. I beg pardon? Okay.

2799

03:14:27.850 --> 03:14:28.683

Sorry,

2800

03:14:31.440 --> 03:14:36.100

Mr. Walker, anything for D F D S? No, sir. And Ms. Hutton, anything?

2801

03:14:36.880 --> 03:14:37.940

No, thank you, sir. Okay.

2802

03:14:38.930 --> 03:14:42.460

That then brings us to agenda item six, which are,

2803

03:14:42.960 --> 03:14:46.340

or is the review of actions arising from what we've discussed this afternoon,

2804

03:14:46.760 --> 03:14:47.593

Mr. Bradley?

2805

03:14:51.080 --> 03:14:55.020

Um, I've just got observation that there's, um,

2806

03:14:55.320 --> 03:14:57.860

27 action points that I've noted,

2807

03:14:58.920 --> 03:15:02.660

and at the moment they're all down for Deadline one. Um,

2808

03:15:02.890 --> 03:15:04.700

it's just an opportunity to say,

2809

03:15:05.520 --> 03:15:09.540

are there any of those that you've been keeping a note of that you feel are

2810

03:15:09.980 --> 03:15:12.140

unreasonable for Deadline one? Um,

2811

03:15:12.360 --> 03:15:17.260

and could without Jeopardy to the smooth progress, um,

2812

03:15:17.880 --> 03:15:19.660

be deferred to Deadline two,

2813

03:15:19.840 --> 03:15:23.980

or should be in order to give you time to do,

2814

03:15:23.980 --> 03:15:25.500

Do you want to read your list and

2815

03:15:25.500 --> 03:15:26.333

Then,

2816

03:15:32.720 --> 03:15:36.660

Um, Brian Greenwood. A B P? Yes, sir. I've just had a quick chat, uh,

2817

03:15:36.660 --> 03:15:38.820

discussion with my colleagues. Um,

2818

03:15:41.920 --> 03:15:46.660

the, obviously the, uh, draft of the,

2819

03:15:46.880 --> 03:15:49.920

uh, D C O, the track change d c o is,

2820

03:15:50.020 --> 03:15:52.640  
is critical for deadline one. Um,

2821

03:15:53.580 --> 03:15:58.160  
is a comprehensive draft of the explanatory memorandum equally

2822

03:15:58.640 --> 03:16:02.200  
critical, and I think you'll probably turn around and say yes, but,  
uh,

2823

03:16:03.330 --> 03:16:07.080  
could I raise that question with you, sir?

2824

03:16:08.400 --> 03:16:11.640  
I, I obviously, uh,

2825

03:16:11.740 --> 03:16:15.560  
the applicant's team is going to be under some pressure. Um,

2826

03:16:17.780 --> 03:16:19.240  
it would be a nice to have,

2827

03:16:20.060 --> 03:16:25.040  
but I think if what you could at least do is flag up the areas

2828

03:16:25.210 --> 03:16:28.080  
where there's likely to be significant rewriting,

2829

03:16:28.600 --> 03:16:30.440  
touching on what we've discussed this afternoon,

2830

03:16:31.020 --> 03:16:35.160  
so at least everybody is clear, um,

2831

03:16:35.470 --> 03:16:39.000  
that there is work to be done and that, and that we know, um,

2832

03:16:39.000 --> 03:16:42.160  
that something is coming down the pipeline. Um,



2833

03:16:43.420 --> 03:16:47.840

you will probably pick up on some of the points anyway in whatever

2834

03:16:47.840 --> 03:16:52.440

post-hearing note you are going to produce following on from today.  
Again,

2835

03:16:52.440 --> 03:16:54.360

that will be some sort of flag, um,

2836

03:16:54.740 --> 03:16:58.460

as to section whatever of the em, um,

2837

03:16:58.610 --> 03:17:03.540

explanatory memorandum is going to have radical rewrite or there'll  
be a

2838

03:17:03.620 --> 03:17:07.020

little bit of a whatever. Um, does, does that assist?

2839

03:17:07.600 --> 03:17:10.980

Yes, Brian, Brian Greenwood for a b p. That's actually very helpful,  
sir.

2840

03:17:10.980 --> 03:17:15.580

Obviously we'll be amending the explanatory memorandum as we go  
along with the

2841

03:17:15.580 --> 03:17:16.400

draft E C O,

2842

03:17:16.400 --> 03:17:20.940

but if I can excuse the precise drafting in best English

2843

03:17:21.200 --> 03:17:24.340

and, uh, highlight, uh, points that we're going to amend,

2844

03:17:24.490 --> 03:17:26.460

then that would ease the load.

2845

03:17:27.160 --> 03:17:31.620

The a a bullet point approach might. Yes, my desist and Mr. Owen,

2846

03:17:32.720 --> 03:17:35.620

Uh, sir, thank you Robbie Owen for C R D N. Um, I,

2847

03:17:35.700 --> 03:17:40.620

I apologize for introducing a contentious tone at this late

2848

03:17:40.620 --> 03:17:43.860

hour, but I, I have to say, I don't think that that is a tool satisfactory.

2849

03:17:43.980 --> 03:17:47.540

I think, uh, given that what we are to receive a deadline,

2850

03:17:47.640 --> 03:17:51.060

one is going to be crucial for, uh,

2851

03:17:51.160 --> 03:17:53.620

all interested parties in framing their written representations.

2852

03:17:53.860 --> 03:17:58.740

I do think it is important to receive not just a properly marked

2853

03:17:58.840 --> 03:18:00.020

up draft D C 0,

2854

03:18:00.520 --> 03:18:04.220

but a properly written revised draft expansion memorandum.

2855

03:18:04.420 --> 03:18:07.820

'cause you have to consider the two together to understand what the applicant is

2856

03:18:07.820 --> 03:18:11.300

proposing and, uh, react accordingly.

2857

03:18:11.440 --> 03:18:16.180

And surely the applicant will be, uh, as Mr. Green was of effectively said,

2858

03:18:16.250 --> 03:18:21.060

writing the revised draft em at the same time as drafting the

2859

03:18:21.140 --> 03:18:24.420

revised draft D C O. And therefore, I do think we need them together. It,

2860

03:18:24.490 --> 03:18:28.740

it's a nonsense to split them, uh, frankly, and, uh,

2861

03:18:28.860 --> 03:18:33.660

I would invite you to reflect on what I've said and come to a decision on that

2862

03:18:34.160 --> 03:18:35.780

in due course, uh, uh,

2863

03:18:35.960 --> 03:18:39.740

and obviously soon so that the applicant can know what is expected of,

2864

03:18:39.760 --> 03:18:44.660

of them because, uh, this is fundamentally, the, the em, as you've identified,

2865

03:18:44.660 --> 03:18:47.440

is not adequate at the moment in quite a few respects,

2866

03:18:47.500 --> 03:18:50.600

and it's gonna be changed anyway because of drafting that, uh, Mr.

2867

03:18:50.600 --> 03:18:55.160

Greenman has said he's, uh, undertaking in terms of revising proposals. And we,

2868

03:18:55.300 --> 03:18:59.800

we do need to see it. And I do do not think that a bullet list, uh,

2869

03:18:59.800 --> 03:19:01.240

bullet point list approach is,

2870

03:19:01.260 --> 03:19:04.800

is a tool satisfactory in the interest of the examination and the position of

2871

03:19:04.800 --> 03:19:07.440

the interested parties and indeed yourselves. Thank you.

2872

03:19:08.410 --> 03:19:12.840

Thank you, Mr. Rowan. Um, I, I think just an opportunity for clarification, uh,

2873

03:19:12.910 --> 03:19:15.800

from Mr. Greenwood here, because I thought that,

2874

03:19:15.840 --> 03:19:19.320

I heard that you were going to make best efforts with the explanatory me

2875

03:19:19.320 --> 03:19:23.560

memorandum, but asked to be forgiven for some raggedness. This

2876

03:19:24.650 --> 03:19:28.880

Brian Green for a b P. Yes, sir. That is precise as so I,

2877

03:19:29.080 --> 03:19:33.880

I will do a best effort. I'm, it might not be Shakespearean English,

2878

03:19:34.140 --> 03:19:36.720

but it'll be as close as I can get, sir,

2879

03:19:36.720 --> 03:19:38.600

and it will be as comprehensive as I can get.

2880

03:19:42.150 --> 03:19:42.983

Mr.

2881

03:19:43.910 --> 03:19:46.810

Uh, Robio and C R D N. Um, I'm grateful to Mr. Greenwood.

2882

03:19:46.810 --> 03:19:47.930

Thank you for that clarification.

2883

03:19:54.650 --> 03:19:59.510

Um, Ms. Scold is suggesting reading through the, uh, action list.  
Um,

2884

03:20:00.310 --> 03:20:04.070

I have been on examinations, which have had longer lists, but, um,

2885

03:20:04.410 --> 03:20:09.190

I'm also aware that the content of each item is, is quite significant here.

2886

03:20:09.680 --> 03:20:12.230

Would you like me to read through the list that I have?

2887

03:20:13.790 --> 03:20:14.350

I, I think

2888

03:20:14.350 --> 03:20:18.670

It's important so that we shall, I, shall I try and speed through it as,

2889

03:20:18.730 --> 03:20:19.670

as quickly as possible? It

2890

03:20:19.670 --> 03:20:20.950

Would be very helpful, sir. Thank you.

2891

03:20:21.890 --> 03:20:23.270

Uh, item one, um,

2892

03:20:24.270 --> 03:20:28.190

a note explaining this is prefaced by provide, uh,

2893

03:20:28.260 --> 03:20:31.670

note explaining the roles and responsibilities of the two statutory harbor

2894

03:20:31.670 --> 03:20:36.350

authorities with particular reference to safety governance roles and interfaces.

2895

03:20:37.830 --> 03:20:41.910

A plan identifying the geographic limits of the Port of Ingham statutory harbor

2896

03:20:41.910 --> 03:20:43.390  
authority responsibilities,

2897

03:20:44.860 --> 03:20:49.430  
clarification on use of company rather than undertaker and

2898

03:20:49.560 --> 03:20:53.830  
check consistency between D D C O and explanatory

2899

03:20:54.000 --> 03:20:54.833  
memorandum

2900

03:20:57.330 --> 03:21:01.870  
review definition and usage of local authority with regard to both

2901

03:21:01.870 --> 03:21:06.190  
adjoining council's planning and highways branches. And, uh,

2902

03:21:06.430 --> 03:21:10.630  
a plan identifying respective jurisdictions that's provide a plan,

2903

03:21:12.420 --> 03:21:14.430  
provide expansion of the em,

2904

03:21:14.430 --> 03:21:19.310  
explaining the rationale for the sections of the 1847 ACT clauses to be

2905

03:21:19.310 --> 03:21:22.510  
incorporated in the D C O provided.

2906

03:21:22.510 --> 03:21:27.350  
Clarifying note on order limits and limits of deviation for the Marine Works

2907

03:21:28.900 --> 03:21:33.590  
article due to definition of vessel with regard to in

2908

03:21:33.840 --> 03:21:36.070  
marks or placement in water, quote Marks

2909  
03:21:37.710 --> 03:21:42.270  
D F D S concerns regarding apparently over liberal definitions of

2910  
03:21:42.790 --> 03:21:44.790  
construct and maintain both in quote,

2911  
03:21:47.490 --> 03:21:52.440  
clarifying note on definition of row row unit numbers with regard to  
multiple

2912  
03:21:52.440 --> 03:21:53.920  
vehicle transporters.

2913  
03:21:55.710 --> 03:21:58.720  
Article 6, 7, 10, and 16.

2914  
03:21:58.720 --> 03:22:02.160  
Further to observations by D F D SS at the I S H

2915  
03:22:04.240 --> 03:22:07.960  
C L D N query on apparent conflict between section

2916  
03:22:07.960 --> 03:22:12.720  
33 18 47 act, open port duty, and D D C O.

2917  
03:22:12.720 --> 03:22:15.040  
Article 22, power to appropriate

2918  
03:22:17.460 --> 03:22:20.920  
expand E M two, clarify article 28,

2919  
03:22:22.100 --> 03:22:26.560  
review articles 29 and 37 and EM precedent cited in

2920  
03:22:26.560 --> 03:22:27.393  
justification.

2921  
03:22:30.060 --> 03:22:33.880

Submit Ming Dock bylaws to the examination library.

2922

03:22:35.660 --> 03:22:37.160

Uh, I haven't put a date on that.

2923

03:22:37.260 --> 03:22:42.080

Is there any necess necessity 1927 or whatever it was, this, so we

2924

03:22:42.080 --> 03:22:43.520

Can, no, we can do that

2925

03:22:43.520 --> 03:22:46.120

Very quickly. Okay. Uh, next one.

2926

03:22:46.560 --> 03:22:51.320

Consider an extra requirement to maintain a publicly accessible record

2927

03:22:51.540 --> 03:22:56.000

of approval sought and gained with regard to R three and R seven,

2928

03:22:56.340 --> 03:22:59.880

et cetera. Uh, in other words, requirements three and seven,

2929

03:23:02.480 --> 03:23:06.160

schedule one extent of works areas for marine works to be clarified.

2930

03:23:07.800 --> 03:23:12.640

Schedule two restrictions on piling to be set out in one place only to

2931

03:23:12.640 --> 03:23:15.760

avoid potential for inconsistency and confusion.

2932

03:23:18.030 --> 03:23:21.360

Requirement 10 to be reviewed regarding noise, insulation,

2933

03:23:21.460 --> 03:23:25.160

and clarification of definition of commencement.

2934

03:23:27.640 --> 03:23:32.280



Consider how the D D C O secures biodiversity net gain

2935

03:23:35.080 --> 03:23:37.640

consider securing in the D D C O and operation,

2936

03:23:38.300 --> 03:23:43.000

or I should say operation now. Traffic management plan.

2937

03:23:46.040 --> 03:23:50.080

Consider submission of a materials management plan into the examination.

2938

03:23:51.600 --> 03:23:53.960

Consider if the C M P, uh,

2939

03:23:54.790 --> 03:23:59.280

Kemp being required in consider this, yeah,

2940

03:23:59.660 --> 03:24:00.493

uh,

2941

03:24:00.880 --> 03:24:02.440

Referred should be,

2942

03:24:04.980 --> 03:24:06.640

Uh, should be

2943

03:24:11.200 --> 03:24:15.640

required in only one of R eight or R 15.

2944

03:24:17.240 --> 03:24:18.570

Does that make sense? Yes,

2945

03:24:18.590 --> 03:24:19.423

Sir.

2946

03:24:22.210 --> 03:24:26.770

Consider a further requirement for the outline plans under R eight and R 15 to

2947

03:24:26.770 --> 03:24:30.330

be developed into final plans to be submitted for approval by the relevant

2948

03:24:30.330 --> 03:24:33.490  
authorities authority.

2949

03:24:37.330 --> 03:24:42.130  
Consider redrafting of R 18 to identify the mechanism for triggering

2950

03:24:42.310 --> 03:24:47.160  
the implementation of impact protection and agreement to timing constraints

2951

03:24:47.180 --> 03:24:49.440  
for implementation if deemed required,

2952

03:24:51.890 --> 03:24:55.750  
and reconsider the drafting of requirement 19.

2953

03:24:57.570 --> 03:24:59.070  
And lastly,

2954

03:24:59.290 --> 03:25:03.910  
review the drafting and potential rationalization of Article 34

2955

03:25:04.530 --> 03:25:09.470  
in relation to Article three regarding the Humber Conservancy consenting

2956

03:25:09.530 --> 03:25:11.870  
regime. And that's, uh,

2957

03:25:11.870 --> 03:25:16.430  
that last one is the one which we suggest is a joint, uh,

2958

03:25:16.810 --> 03:25:21.790  
not necessarily joint, but is an action to both parties. Um,

2959

03:25:23.580 --> 03:25:25.360  
you, you've perhaps had the op,

2960

03:25:25.360 --> 03:25:28.960

your colleague has perhaps had the opportunity to write better than I.

2961

03:25:29.220 --> 03:25:33.280

Is there anything that you feel that you have already taken away as an action,

2962

03:25:33.730 --> 03:25:35.080

which is not on that list?

2963

03:25:44.430 --> 03:25:46.250

Yes, sir. It's been pointed out to me that, uh,

2964

03:25:46.250 --> 03:25:49.210

you would also like some clarification, sorry, Brian Greenwood,

2965

03:25:49.370 --> 03:25:53.970

a b p clarification of railroad unit, uh, railroad vessel. And, uh,

2966

03:25:54.520 --> 03:25:57.730

that probably picks up with the transportation point you raised earlier though,

2967

03:25:57.730 --> 03:25:58.350

doesn't it?

2968

03:25:58.350 --> 03:26:01.450

Yes, we could perhaps I could pick that up and add it into the, uh,

2969

03:26:02.080 --> 03:26:04.730

that whole point about our railroad. Yes.

2970

03:26:04.800 --> 03:26:05.633

Okay.

2971

03:26:05.940 --> 03:26:06.773

Thank you

2972

03:26:10.760 --> 03:26:15.060

Mr. Owen, on a list that you might have that's not on that list.

Yes,

2973

03:26:15.140 --> 03:26:19.900

I was gonna say Rob, Erin, um, c r d n. Um, just a few things.

2974

03:26:20.200 --> 03:26:23.420

Um, first there was of course a commitment to,

2975

03:26:24.310 --> 03:26:26.980

which is a mutual commitment to discuss protective provisions,

2976

03:26:26.980 --> 03:26:29.580

which I think ought to be recorded. Um,

2977

03:26:31.900 --> 03:26:32.733

secondly,

2978

03:26:32.920 --> 03:26:37.380

we did agree to provide information on train paths for Thursday

2979

03:26:38.680 --> 03:26:42.100

for I s H two. Um,

2980

03:26:43.650 --> 03:26:44.483

thirdly,

2981

03:26:47.960 --> 03:26:49.400

I believe Mr.

2982

03:26:49.400 --> 03:26:53.520

Greenwood said that he would consider with a b p with,

2983

03:26:53.540 --> 03:26:57.400

to do about the, uh, if I can put it this way,

2984

03:26:57.420 --> 03:27:01.600

the outline nature of some of the management plans, particularly the Kemp,

2985

03:27:01.940 --> 03:27:05.240

and whether in fact, uh, the applicant might be prepared to,

2986

03:27:06.820 --> 03:27:07.150

Uh,

2987

03:27:07.150 --> 03:27:12.000

Propose that before works start more detailed, plans are worked up for approval.

2988

03:27:14.380 --> 03:27:15.280

Uh, and fourthly,

2989

03:27:15.840 --> 03:27:20.520

I think in relation to those items early on in your list, uh, Mr.

2990

03:27:20.520 --> 03:27:24.560

Bradley about plans, um, Mr. Greenwood did a, did agree to,

2991

03:27:25.340 --> 03:27:27.800

uh, include the, um,

2992

03:27:29.420 --> 03:27:33.640

interrelationship between the boundaries of the local authorities and the crown.

2993

03:27:34.540 --> 03:27:37.440

Um, the, the, the, um,

2994

03:27:39.140 --> 03:27:41.080

the issue there being whether there is,

2995

03:27:41.990 --> 03:27:46.800

whether any part of the works are planned to be constructed in the river

2996

03:27:46.930 --> 03:27:47.763

where,

2997

03:27:47.850 --> 03:27:52.600

which is below the boundary of the local authorities' jurisdiction as local

2998

03:27:52.840 --> 03:27:53.540

planning authority,

2999

03:27:53.540 --> 03:27:57.920

and therefore would not be covered by a local planning authority.  
Um,

3000

03:27:58.380 --> 03:28:01.720

but would purely be subject to the consent of the crown of state  
commissioners.

3001

03:28:01.780 --> 03:28:06.560

I'm assuming that is the relevant crown entity here. Um, this is in,

3002

03:28:06.580 --> 03:28:07.640

in accordance with, you know,

3003

03:28:07.640 --> 03:28:10.720

the general rule that local authorities jurisdiction ends at low  
watermark

3004

03:28:10.740 --> 03:28:12.360

except, uh,

3005

03:28:13.940 --> 03:28:16.600

in certain cases to do with esra. Um,

3006

03:28:16.600 --> 03:28:20.880

so I think we would be grateful for the applicant's written  
confirmation of what

3007

03:28:20.880 --> 03:28:24.480

it considers to be the boundary of the local authorities, uh,

3008

03:28:24.500 --> 03:28:28.960

in relation to the work. So we can consider the extent to which  
there may be a,

3009

03:28:29.680 --> 03:28:33.560

a gap there in, in, in, in control measures, in terms of planning  
control.

3010

03:28:34.740 --> 03:28:39.680

Um, I believe, um, That is,

3011

03:28:39.780 --> 03:28:42.400

uh, probably the sum total

3012

03:28:45.070 --> 03:28:45.930

of the commitments,

3013

03:28:45.930 --> 03:28:48.730

except I'm just being told that there may may have been something else about,

3014

03:28:49.470 --> 03:28:50.570

uh, order limits in the river.

3015

03:28:50.590 --> 03:28:52.530

Was there an action in relation to order limits in the river?

3016

03:28:54.330 --> 03:28:55.090

I think we've picked

3017

03:28:55.090 --> 03:28:56.050

That up. Okay. Thank you.

3018

03:28:57.570 --> 03:29:02.370

I think we've picked that up, but perhaps it needs a, a clarifying word or two.

3019

03:29:02.900 --> 03:29:03.620

Thank you.

3020

03:29:03.620 --> 03:29:04.453

Thank you very much.

3021

03:29:08.030 --> 03:29:12.050

Mr. Walker, anything on the list that you may have been gathering?

3022

03:29:13.230 --> 03:29:16.090

Um, thank you sir. Angus Walker, D F T S, um,

3023

03:29:16.310 --> 03:29:20.530

merely that we have also undertaken to provide some protective provisions to the

3024

03:29:20.530 --> 03:29:25.130

applicant in due course. It'll be shortly after I s H two

3025

03:29:36.490 --> 03:29:39.390

And Ms. Hutton, anything that you might have been gathering on the list?

3026

03:29:41.080 --> 03:29:41.990

Thank you, sir. No.

3027

03:29:46.940 --> 03:29:51.710

Okay. Well,

3028

03:29:53.330 --> 03:29:56.830

Uh, Ms. Hewitson, is there anything from your angle that, uh,

3029

03:29:56.890 --> 03:29:59.070

you feel should be added to an action list?

3030

03:30:01.490 --> 03:30:02.323

No, thank you, sir.

3031

03:30:02.720 --> 03:30:03.553

Thank you. Then,

3032

03:30:07.860 --> 03:30:12.440

um, that then brings us to the close of this hearing, but I'm,

3033

03:30:12.540 --> 03:30:15.400

I'm gonna pick up on one point, um,

3034

03:30:15.890 --> 03:30:20.160

which goes back to the redaction issue that we were discussing earlier in the

3035

03:30:20.160 --> 03:30:23.400

day. Uh, at the preliminary meeting, uh, Mr.

3036



03:30:23.400 --> 03:30:27.840

Walker has written to a, as I understand it, a colleague, um,

3037

03:30:28.140 --> 03:30:28.973

in the inspector,

3038

03:30:29.060 --> 03:30:33.160

and we have got some clarification in respect of

3039

03:30:33.410 --> 03:30:37.280

hyperlinks and library documents. Uh,

3040

03:30:37.300 --> 03:30:41.200

and the clarification is yes, you can hyperlink,

3041

03:30:42.140 --> 03:30:46.760

uh, that seems to sit within the current instructions that colleagues that do

3042

03:30:46.760 --> 03:30:47.593

redaction.

3043

03:30:47.980 --> 03:30:52.520

All I would say is by all means include any hyperlinks to library

3044

03:30:52.960 --> 03:30:53.793

reference documents,

3045

03:30:53.980 --> 03:30:58.440

but do not be surprised if when they do go through redaction

3046

03:30:59.240 --> 03:31:03.320

somebody perhaps in error takes them out because, um,

3047

03:31:04.140 --> 03:31:08.440

it does seem to be an, an area where there's a lot of confusion at the moment,

3048

03:31:08.750 --> 03:31:10.760

just generally handing hyperlinks.

3049

03:31:10.980 --> 03:31:13.240

But as far as library documents are concerned,

3050

03:31:13.620 --> 03:31:17.160

if you feel you wish to put a blinking, put it in.

3051

03:31:17.340 --> 03:31:19.760

But I say I can't guarantee as I sit here today,

3052

03:31:20.100 --> 03:31:22.760

it will necessarily survive the redaction process.

3053

03:31:24.510 --> 03:31:25.720

Well, thank you very much. Sorry,

3054

03:31:25.780 --> 03:31:29.960

I'm amazed at the swift response for the planning inspector there.  
Well,

3055

03:31:29.960 --> 03:31:30.960

perhaps I shouldn't be amazed.

3056

03:31:33.870 --> 03:31:37.520

Robo and C L D N, sir, thank you very much for that clarification  
and indeed Mr.

3057

03:31:37.520 --> 03:31:40.600

Walker for procuring it. Um, that's very helpful. Uh,

3058

03:31:40.600 --> 03:31:44.120

there's one final quick matter, uh, uh, I'd like to raise, uh,

3059

03:31:44.120 --> 03:31:46.080

under a o b if I may Um,

3060

03:31:46.580 --> 03:31:51.480

and I think we'd just be grateful for the panel's guidance. Um, in  
terms of the,

3061

03:31:52.140 --> 03:31:55.560

um, post, uh, uh, I s h submissions,

3062

03:31:55.560 --> 03:31:59.720

written submissions of oral cases made during today's hearing,

3063

03:32:00.270 --> 03:32:04.480

they are required, as you know, at Deadline One. Um, I,

3064

03:32:04.560 --> 03:32:07.360

I think it would be of great assistance, certainly to C R D M,

3065

03:32:07.360 --> 03:32:10.880

but I imagine other interested parties if you would be able to give some

3066

03:32:11.040 --> 03:32:16.040

guidance as to quite how detailed you'd wish the written submissions

3067

03:32:16.040 --> 03:32:19.080

of what we've said already today, to be not least,

3068

03:32:19.080 --> 03:32:24.000

because of course a lot of the discussion we've had about the draft D C O, um,

3069

03:32:24.340 --> 03:32:27.360

Mr. Greenman has taken on board and we will wait to see what then happens. But,

3070

03:32:27.380 --> 03:32:27.920

you know,

3071

03:32:27.920 --> 03:32:32.200

I think the points have been made and understood by yourselves and by a b p and,

3072

03:32:32.420 --> 03:32:37.000

um, just the interest of minimizing, um, uh, uh, uh,

3073

03:32:37.300 --> 03:32:42.160

or rather focusing effort on where it's most productive. Um, if you,

3074

03:32:42.160 --> 03:32:45.200

if you would feel able to give some sort of guidance on how detailed you want

3075

03:32:45.500 --> 03:32:48.600

our submissions to be, that would be really helpful. Thank you.

3076

03:32:49.130 --> 03:32:50.800

Thank you, Mr. Owen. Yeah, there is,

3077

03:32:51.240 --> 03:32:56.200

I would suggest no real benefit in anybody,

3078

03:32:56.660 --> 03:32:57.493

um,

3079

03:32:59.760 --> 03:33:04.200

Regurgitating a lot of material that has already been made in relevant reps,

3080

03:33:04.940 --> 03:33:08.920

um, and or in, um, the procedural deadline, a submissions,

3081

03:33:08.920 --> 03:33:12.400

particularly those of you who have submitted pads. Uh, the,

3082

03:33:12.400 --> 03:33:15.920

the principle area of different summary statements, um,

3083

03:33:16.060 --> 03:33:18.400

really I think it's, it's,

3084

03:33:18.430 --> 03:33:22.400

it's key points that have arisen in discussion. Um,

3085

03:33:22.710 --> 03:33:27.320

perhaps some newer points and or more nuanced points that have

3086

03:33:27.320 --> 03:33:31.280

arisen during discussion today, um, where you need to,

3087

03:33:31.300 --> 03:33:34.440

to focus your efforts. Um,

3088

03:33:35.470 --> 03:33:37.680

because certainly from our perspective, it,

3089

03:33:37.740 --> 03:33:42.560

it doesn't help when we find that we start reading material and actually we've

3090

03:33:42.560 --> 03:33:46.240

seen it once, twice, three times previously, somewhere else. Um,

3091

03:33:46.540 --> 03:33:51.320

if there is a particular point that you feel you just want

3092

03:33:51.340 --> 03:33:54.240

to highlight and it already exists in another document,

3093

03:33:54.910 --> 03:33:59.480

then just flag it up in the note that you, you produced, um, post-hearing.

3094

03:34:00.070 --> 03:34:04.920

Does that help Mr. Ho Robo for C L D N?

3095

03:34:05.260 --> 03:34:09.120

Yes, sir. That does help. I'm grateful. Mr.

3096

03:34:09.120 --> 03:34:12.200

Greenwood is, is that a, a reasonable approach that, uh,

3097

03:34:12.200 --> 03:34:16.200

you'll be able to take from your perspective as well and perhaps reduce some of

3098

03:34:16.200 --> 03:34:18.920

the burden, uh, on your side of the table? Uh,

3099

03:34:18.920 --> 03:34:22.080

Ryan Greenwell for a v p? That is exactly what I was thinking, sir.

3100

03:34:22.220 --> 03:34:23.400  
I'm very grateful also,

3101

03:34:24.980 --> 03:34:29.360  
Mr. Walker, I presume, uh, you're not going to, uh, take a country view? No,

3102

03:34:29.360 --> 03:34:30.193  
Sir.

3103

03:34:30.260 --> 03:34:31.240  
Uh, and Ms. Hutton?

3104

03:34:33.240 --> 03:34:34.580  
Yes, that's fine with us. Thank you.

3105

03:34:41.210 --> 03:34:45.510  
Are there any other housekeeping type matters before I formally close the

3106

03:34:45.510 --> 03:34:50.390  
hearing from the applicant's side? No. No, sir. No. Mr. A?

3107

03:34:50.450 --> 03:34:51.830  
No. Mr. Walker, anything?

3108

03:34:53.340 --> 03:34:55.350  
Nothing further, sir. Thank you. Yes.

3109

03:34:55.860 --> 03:35:00.110  
Okay. Well, thank you for your buoyance. We,

3110

03:35:00.170 --> 03:35:03.790  
we have sat a little bit longer this afternoon, but I think it was useful, um,

3111

03:35:04.570 --> 03:35:08.870  
to sit on a little bit longer. I would thank everybody for your contributions,

3112

03:35:10.090 --> 03:35:14.110  
um, as is the normal recording and a written transcript, uh,

3113

03:35:14.210 --> 03:35:18.750

of the hearing will be made available as soon as possible, um,

3114

03:35:19.290 --> 03:35:21.790

via the, the website for this, this project.

3115

03:35:27.430 --> 03:35:28.870

I doubt. But I'll, I'll raise it.

3116

03:35:28.870 --> 03:35:33.270

If you've got any administrative type questions, uh, please raise them with Ms.

3117

03:35:33.340 --> 03:35:38.030

Robbins, um, rather than, um, either,

3118

03:35:38.330 --> 03:35:43.270

uh, Mr. Bradley, um, Mr. Harrison, or myself on the way out.

3119

03:35:44.250 --> 03:35:48.950

Um, thank you everybody for your attendance and this hearing is now closed.

3120

03:35:49.640 --> 03:35:50.230

Thank you.