

0

00:00:00.085 --> 00:00:01.135

Well, good morning everybody.

1

00:00:01.155 --> 00:00:02.175

It, it's 10 o'clock

2

00:00:02.595 --> 00:00:06.495

and, uh, this hearing is now opening.

3

00:00:07.355 --> 00:00:08.575

Um, can everybody hear me?

4

00:00:08.575 --> 00:00:12.175

Can I in the room and I know we've got somebody online,

5

00:00:13.235 --> 00:00:15.335

is the live stream and the connection working?

6

00:00:17.455 --> 00:00:17.675

Yep.

7

00:00:23.615 --> 00:00:25.315

Um, I'd like to welcome everybody, uh,

8

00:00:25.535 --> 00:00:28.675

to this issue specific hearing six, uh,

9

00:00:28.675 --> 00:00:30.275

which concerns the application made

10

00:00:30.455 --> 00:00:32.035

by associated British ports

11

00:00:32.575 --> 00:00:34.155

for an order granting development consent

12

00:00:34.155 --> 00:00:36.755

for the proposed IMMINGHAM East Railroad terminal.

13

00:00:37.695 --> 00:00:41.355

Uh, this hearing is expressly dealing with

14

00:00:41.905 --> 00:00:45.715

matters are, uh, pertaining to the draft, uh,

15

00:00:45.715 --> 00:00:46.875

development consent order.

16

00:00:50.575 --> 00:00:52.995

Um, my name is Graham Gord, I'm Charter Town Planner,

17

00:00:53.055 --> 00:00:55.075

and as you've probably gathered, I'm the lead panel

18

00:00:55.135 --> 00:00:56.235

member for this exam.

19

00:00:56.355 --> 00:00:58.395

Authority to my left is Mr. Bradley,

20

00:00:58.495 --> 00:01:00.155

to my right is Mr. Harrison.

21

00:01:01.055 --> 00:01:03.915

Um, we have nearly broken, uh, Mr.

22

00:01:03.945 --> 00:01:05.555

Bradley's voice, so, um,

23

00:01:05.695 --> 00:01:07.795

he probably will not be partaking much this morning.

24

00:01:16.115 --> 00:01:20.075

I think most people are pretty familiar with the process,

25

00:01:20.895 --> 00:01:22.795

and you've heard me do a num well,

26

00:01:22.895 --> 00:01:25.275

us collectively do a number of intros.

27

00:01:25.655 --> 00:01:28.315

So I'm gonna keep this one pretty, uh, brief.

28

00:01:29.495 --> 00:01:33.995

Um, I should have said that, uh,

29

00:01:34.095 --> 00:01:36.155

Ms. Robbins, um, is the case manager

30

00:01:37.055 --> 00:01:39.915

who you all doubt all no doubt, aware of.

31

00:01:40.375 --> 00:01:41.475

Uh, and also of course,

32

00:01:41.485 --> 00:01:44.195

there are the two technicians from Spark who are assisting

33

00:01:44.195 --> 00:01:47.515

with the audio, visuals, audio visual side of things,

34

00:01:47.775 --> 00:01:49.395

and live streaming.

35

00:01:49.575 --> 00:01:52.915

Um, and ultimately will be helping produce the

36

00:01:52.915 --> 00:01:54.395

recordings for this, uh, hearing.

37

00:01:55.375 --> 00:01:57.315

Um, to my right are toilets.

38

00:01:58.215 --> 00:02:01.675

If for any reason a fire alarm sounds, uh, we will need to

39

00:02:02.795 --> 00:02:04.515

vacate the building, go to the carpark,

40

00:02:04.815 --> 00:02:07.115

and then await instructions from the hotel staff as

41

00:02:07.115 --> 00:02:09.595

to when it's safe to return to the building.

42

00:02:12.635 --> 00:02:16.255

Um, this hearing will predominantly be in person within the

43

00:02:16.255 --> 00:02:19.135

room, although I understand the applicant has got one member

44

00:02:19.135 --> 00:02:23.055

of its team potentially available if needs be, um,

45

00:02:24.285 --> 00:02:26.855

that that person can be brought in, um, as, as

46

00:02:26.855 --> 00:02:30.455

or when necessary, either by somebody who's in the room

47

00:02:31.355 --> 00:02:34.015

or, uh, if, if they can indicate raising their hand

48

00:02:34.015 --> 00:02:35.495

that they've got a point that they need to raise

49

00:02:36.395 --> 00:02:37.615

at the convenient juncture.

50

00:02:45.625 --> 00:02:49.445

Um, I would remind everybody that on each occasion, um,

51

00:02:49.795 --> 00:02:52.005

that you, you speak, could you give your name

52

00:02:52.005 --> 00:02:53.045

and who you are representing.

53

00:02:54.585 --> 00:02:57.365

Um, I suspect this is not gonna apply today,

54

00:02:57.365 --> 00:03:00.085

but there is a roving mic in the room just in case we need

55

00:03:00.465 --> 00:03:02.925

to bring somebody in who can't sit, uh,

56

00:03:03.025 --> 00:03:04.365

at one of the tables.

57

00:03:06.385 --> 00:03:09.085

Um, general reminder again about the general, uh,

58

00:03:10.115 --> 00:03:11.525

data protection regulations.

59

00:03:11.975 --> 00:03:14.085

Again, I doubt that's gonna apply too much,

60

00:03:14.145 --> 00:03:16.565

but just be wary of what you are saying in public in terms

61

00:03:16.865 --> 00:03:20.445

of, of avoiding saying anything that you would not wish, uh,

62

00:03:20.505 --> 00:03:22.605

to be published as part of a recording.

63

00:03:24.065 --> 00:03:27.885

Um, again, the general comment, particularly in terms

64

00:03:27.885 --> 00:03:31.925

of anything to do with iot, again, just be wary of anything

65

00:03:31.925 --> 00:03:34.645

that may raise a safety concern that we, we not

66

00:03:34.645 --> 00:03:36.725

to be talking too much about in public.

67

00:03:37.505 --> 00:03:41.485

Um, from that, I mean an operational safety, uh, matter

68

00:03:41.585 --> 00:03:43.045

for iot in particular.

69

00:03:53.185 --> 00:03:57.955

Alright, turning to, um, participation,

70

00:03:58.175 --> 00:04:03.035

uh, from the applicant's side, who is likely

71

00:04:03.135 --> 00:04:05.555

to be presenting in this, this session?

72

00:04:09.605 --> 00:04:12.735

Good morning, sir. James Strong for the applicant.

73

00:04:13.075 --> 00:04:17.695

Um, I, um, will be acting on behalf of the applicant

74

00:04:18.225 --> 00:04:21.175

today, um, of King's Council, instructed by Mr.

75

00:04:21.185 --> 00:04:22.935

Brian Greenwood. Excuse me.

76

00:04:22.935 --> 00:04:26.775

It sounds like my voice is going, um, instructed by Mr.

77

00:04:26.775 --> 00:04:29.215

Brian Greenwood, who sits to my left of Clyde and Co.

78

00:04:29.715 --> 00:04:34.055

Uh, who will also be participating in the discussions today.

79

00:04:35.235 --> 00:04:38.205

And Jamie Oton,

80

00:04:38.345 --> 00:04:42.205

who you've also previously heard, um, from in the past

81

00:04:43.315 --> 00:04:46.285

dealing with environmental matters is sitting

82

00:04:47.235 --> 00:04:51.125

further down the table who may assist you in relation to

83

00:04:51.715 --> 00:04:55.085

environmental matters, natural England and the MMA

84

00:05:08.445 --> 00:05:11.695

Good morning says, my name's Victoria Hotten of council.

85

00:05:12.415 --> 00:05:14.415

I appear for the Harbor Master for the Humber.

86

00:05:14.635 --> 00:05:17.375

I'm instructed by Mrs. Jane Wakeham on my left.

87

00:05:17.875 --> 00:05:20.895

And Captain Furman is on my right. Thank you.

88

00:05:24.735 --> 00:05:28.035

And for the council, uh, yes. Good morning, sir.

89

00:05:28.035 --> 00:05:32.035

Richard Limmer from Northeast Links Council. Thank you.

90

00:05:32.495 --> 00:05:36.355

Um, I0 ot, uh,

91

00:05:36.355 --> 00:05:38.035

David Alvin King's Council.

92

00:05:38.495 --> 00:05:40.835

Uh, to my left, my instructing solicitor,

93

00:05:40.835 --> 00:05:44.635

Alex Ick from Burgess Salmon and behind, uh, Matt Daley

94

00:05:44.635 --> 00:05:45.635  
and Ollie Smith from

95

00:05:45.755 --> 00:05:50.755  
A-P-T-C-D-N.

96

00:05:54.675 --> 00:05:56.775  
Uh, good morning, sir. Um, I'm robo in

97

00:05:56.775 --> 00:05:58.445  
Partner of Pinton Masons.

98

00:05:58.865 --> 00:06:01.085  
I'm here attending on behalf of CLD nm,

99

00:06:01.275 --> 00:06:03.485  
alongside my colleague sitting to my right, Mr.

100

00:06:03.515 --> 00:06:08.075  
Alex Trein, also of Pinton Masons. Thank you

101

00:06:09.055 --> 00:06:10.275  
And d ft s.

102

00:06:10.905 --> 00:06:12.675  
Good morning, sir. My name is Angus Walker.

103

00:06:12.855 --> 00:06:14.595  
I'm a partner at PDB Pittmans

104

00:06:14.935 --> 00:06:18.235  
and I'm here representing DFDS Seaways.

105

00:06:19.135 --> 00:06:21.995  
Um, on my right is my colleague Jessica Hobbs.

106

00:06:36.125 --> 00:06:39.425  
Is there anybody else in the room not sitting at the table

107

00:06:39.975 --> 00:06:42.265

from any other party that may wish

108

00:06:42.265 --> 00:06:43.785  
to participate in this hearing?

109

00:06:44.085 --> 00:06:45.505  
Not see any indications

110

00:06:59.905 --> 00:07:01.365  
if there's a need for anybody else

111

00:07:01.365 --> 00:07:04.445  
that hasn't been introduced at this point, uh,

112

00:07:04.545 --> 00:07:06.365  
who is present, uh, to talk

113

00:07:06.365 --> 00:07:07.685  
to a particular matter, that's fine.

114

00:07:07.685 --> 00:07:10.085  
They'll just need to be introduced at the relevant time.

115

00:07:11.875 --> 00:07:16.725  
Okay, I'm gonna pass over to Mr. Harrison

116

00:07:16.865 --> 00:07:18.245  
to complete the, the intros.

117

00:07:20.055 --> 00:07:24.605  
Thank you. Um, so this hearing will generally,

118

00:07:25.265 --> 00:07:27.285  
um, follow the agenda

119

00:07:27.545 --> 00:07:31.325  
as issued on the pins case website on

120

00:07:31.605 --> 00:07:33.005  
14th of November.

121

00:07:33.905 --> 00:07:37.285

Um, it would obviously be helpful if you have copies in

122

00:07:37.285 --> 00:07:38.805

front of you, um,

123

00:07:38.985 --> 00:07:40.765

and perhaps if it could be, uh,

124

00:07:40.765 --> 00:07:42.645

displayed on the screens as well.

125

00:07:42.895 --> 00:07:46.725

Thank you. Um, you'll note the, uh,

126

00:07:46.915 --> 00:07:51.205

hearing guidance in that agenda document, uh, again

127

00:07:51.205 --> 00:07:54.885

for expediency, I'm assuming everyone has read this and

128

00:07:54.885 --> 00:07:56.205

therefore don't need to

129

00:07:56.815 --> 00:07:58.525

spend time going through it in verbatim.

130

00:07:58.825 --> 00:08:01.685

But a couple of brief elaborating remarks.

131

00:08:02.665 --> 00:08:03.845

Um, the examination

132

00:08:03.845 --> 00:08:08.405

of this nsip application is primarily conducted in written

133

00:08:08.635 --> 00:08:10.925

form as explained in detail

134

00:08:11.025 --> 00:08:15.565

by us at the preliminary meeting on the 25th of July.

135

00:08:16.825 --> 00:08:19.285

Um, the purpose of today's hearing is

136

00:08:19.385 --> 00:08:22.885

for the examining authority to raise questions

137

00:08:22.975 --> 00:08:24.525

concerning the drafting

138

00:08:24.785 --> 00:08:29.525

and provisions of the draft DCO having regard

139

00:08:29.585 --> 00:08:33.725

to the amendments made, uh, to the draft DCO

140

00:08:34.525 --> 00:08:38.645

included in rep 6 0 0 3

141

00:08:39.505 --> 00:08:43.045

and the written submissions made by IPS

142

00:08:43.655 --> 00:08:47.725

since the holding of ISH four.

143

00:08:48.745 --> 00:08:52.085

Um, that will help the examining authority

144

00:08:52.585 --> 00:08:57.165

to receive clarification that can be better conveyed orally

145

00:08:57.385 --> 00:08:58.685

or visually than in writing.

146

00:08:59.345 --> 00:09:02.725

And to discuss what will be required following this hearing

147

00:09:03.265 --> 00:09:07.285

in order to assist us in our understanding of the cases

148

00:09:07.995 --> 00:09:10.965  
made by the applicant, the other ips

149

00:09:11.305 --> 00:09:12.885  
and, uh, indeed

150

00:09:14.045 --> 00:09:17.005  
Humber in his capacity as another person.

151

00:09:17.225 --> 00:09:19.045  
For the purposes of this examination,

152

00:09:20.265 --> 00:09:23.165  
our questions will be directed either to the applicant,

153

00:09:23.535 --> 00:09:26.325  
other ips or the Harbor Master Humber.

154

00:09:27.025 --> 00:09:29.565  
Um, with, uh, any opposing party

155

00:09:29.585 --> 00:09:32.525  
or parties being given the opportunity to comment

156

00:09:33.225 --> 00:09:34.405  
on the answers

157

00:09:34.965 --> 00:09:38.405  
provided, uh, we may wish

158

00:09:38.505 --> 00:09:39.965  
to inquire in greater

159

00:09:40.105 --> 00:09:44.085  
or lesser detail than indicated, uh, on the agenda

160

00:09:45.065 --> 00:09:46.885  
or inquire into new matters.

161

00:09:48.305 --> 00:09:50.325

Um, uh, when, uh,

162

00:09:50.665 --> 00:09:55.365

any party is answering the X a's questions, uh, again,

163

00:09:55.595 --> 00:09:59.285

same plea as ISH five, um, if you could ensure

164

00:09:59.285 --> 00:10:03.845

that you provide a succinct, an answer as possible,

165

00:10:04.065 --> 00:10:08.805

um, obviously got a lot to cover, um, again,

166

00:10:08.985 --> 00:10:12.725

um, likely that there will be some action points arising.

167

00:10:13.385 --> 00:10:17.445

Um, and as with previous hearings, I'm just looking across

168

00:10:17.505 --> 00:10:21.245

to the applicant's side if there's somebody able to, um,

169

00:10:21.555 --> 00:10:23.205

capture those, uh,

170

00:10:23.205 --> 00:10:25.485

and then we can agree them, uh,

171

00:10:25.485 --> 00:10:26.725

following the close of the hearing.

172

00:10:27.335 --> 00:10:28.965

Thank you. I'm seeing some nods.

173

00:10:30.345 --> 00:10:32.445

Um, again, we will aim

174

00:10:32.465 --> 00:10:36.725

to have a short break mid-morning at convenient points

175

00:10:37.225 --> 00:10:41.165

and look to break for lunch, uh, around, uh, one o'clock,

176

00:10:42.025 --> 00:10:43.125

um, if necessary.

177

00:10:43.465 --> 00:10:47.445

Um, we'll also have a break mid-afternoon, um,

178

00:10:47.585 --> 00:10:50.125

and basic continue until we're content

179

00:10:50.125 --> 00:10:52.965

that we've addressed fully the agenda items

180

00:10:53.185 --> 00:10:54.925

and everything that needs to be discussed.

181

00:10:55.945 --> 00:10:57.845

Um, so just very quickly, uh,

182

00:10:57.845 --> 00:11:00.885

before we move on, um, does anyone have any comments

183

00:11:00.915 --> 00:11:02.725

that they wish to make, um,

184

00:11:02.915 --> 00:11:05.325

just on this introduction? Uh, Mr. Walker?

185

00:11:06.055 --> 00:11:09.445

Thank you Angus Walker for DFDS, um, as in

186

00:11:10.005 --> 00:11:12.645

previous DC0 hearings, if we have any points on

187

00:11:13.255 --> 00:11:15.885

provisions in the DC0 that are not on the agenda,

188

00:11:15.945 --> 00:11:17.725

should we wait till the end

189

00:11:17.725 --> 00:11:20.965

or raise them at the sort of in DCO order?

190

00:11:21.915 --> 00:11:23.525

What, because the first one isn't till,

191

00:11:23.535 --> 00:11:26.725

isn't till Article 33, and we've got some before that.

192

00:11:27.435 --> 00:11:31.285

What, what I'd like to do in this hearing session is to,

193

00:11:31.425 --> 00:11:35.605

to go through the points that I've got in order, um, some

194

00:11:35.605 --> 00:11:38.845

of which may anyway, uh, bear on other bits

195

00:11:38.845 --> 00:11:41.725

and pieces that we didn't list in the agenda,

196

00:11:41.845 --> 00:11:43.445

which you may have flagged up.

197

00:11:44.025 --> 00:11:46.405

And then I'm, um, particularly going

198

00:11:46.425 --> 00:11:50.325

to give the ips the opportunity in effect in the AOB section

199

00:11:50.425 --> 00:11:51.725

if we haven't covered anything.

200

00:11:52.065 --> 00:11:56.925

But it's going to just help logically, um, not least me, uh,

201

00:11:56.925 --> 00:11:57.965

keep some sort of order.

202

00:11:57.965 --> 00:11:59.685

Otherwise, it, it gets terribly messy.

203

00:12:00.345 --> 00:12:02.485

Um, what I'm also going to try

204

00:12:02.485 --> 00:12:06.325

and do with, if, if everybody's agreeable, um, is

205

00:12:07.385 --> 00:12:08.805

we will look at the articles first.

206

00:12:08.975 --> 00:12:10.085

We'll go through the requirements.

207

00:12:10.505 --> 00:12:12.245

I'm gonna try and deal with everything

208

00:12:12.355 --> 00:12:15.645

that involves the council as early

209

00:12:15.785 --> 00:12:17.965

and as quickly as possible so that Mr.

210

00:12:17.985 --> 00:12:19.005

Limmer can be released.

211

00:12:20.025 --> 00:12:22.445

Uh, we'll similarly try

212

00:12:22.445 --> 00:12:24.645

and take the same vein with Harbor Master.

213

00:12:25.495 --> 00:12:28.405

Might not be quite so easy, um, to,

214

00:12:28.505 --> 00:12:30.405

but we'll, we'll, we'll try and do that.

215

00:12:31.345 --> 00:12:34.525

Um, but I think, I think it's important, um, that we, we try

216

00:12:34.525 --> 00:12:36.525

and deal with everything for the local authority as quickly

217

00:12:36.585 --> 00:12:39.965

as possible, um, so that he's not unnecessarily detained.

218

00:12:40.205 --> 00:12:42.245

'cause no doubt he's got lots to do.

219

00:12:42.385 --> 00:12:44.605

If, if I remember back to my local authority days, uh,

220

00:12:44.605 --> 00:12:46.845

there was certainly always more to do than, uh,

221

00:12:46.975 --> 00:12:48.085

hours in the day.

222

00:12:50.995 --> 00:12:53.925

Does that generally sound a a, a reasonable way

223

00:12:54.225 --> 00:12:55.405

to, to progress?

224

00:12:55.505 --> 00:12:57.925

Yes, sir. Mr. You raise timing type

225

00:12:57.985 --> 00:12:59.325

or running water type matters?

226

00:13:01.295 --> 00:13:03.685

Angus Walker DFS? Yes, that sounds fine. We'll proceed

227

00:13:04.145 --> 00:13:05.145

In the vein.

228

00:13:05.345 --> 00:13:06.845

Is everybody else generally content

229

00:13:06.845 --> 00:13:08.045  
with that sort of approach?

230

00:13:09.985 --> 00:13:13.405  
Not seeing anybody vehemently opposing it anyway. Okay.

231

00:13:16.105 --> 00:13:18.285  
And just very quickly, while we're still on this

232

00:13:18.645 --> 00:13:20.925  
introductory agenda item, was there anything anybody else

233

00:13:20.925 --> 00:13:22.805  
wanted to raise at this stage

234

00:13:22.805 --> 00:13:26.685  
before we move on to, uh, substantive part of the agenda?

235

00:13:28.625 --> 00:13:31.405  
Uh, not seeing any further hands raised.

236

00:13:31.625 --> 00:13:35.205  
So I think with that we can conclude item agenda item two,

237

00:13:35.865 --> 00:13:39.805  
uh, and move on to item three, uh,

238

00:13:39.825 --> 00:13:43.365  
the discussion about the draft development consent order.

239

00:13:44.025 --> 00:13:47.725  
And with that, I will now hand back to Mr. Gould

240

00:13:47.985 --> 00:13:49.285  
to lead this item.

241

00:13:52.635 --> 00:13:54.405  
Okay. Well, I'd, I'd like to start

242

00:13:54.465 --> 00:13:59.045

by looking at what's been a slightly troublesome word, um,

243

00:13:59.785 --> 00:14:02.925

in Article two and that's, um, maintained

244

00:14:02.925 --> 00:14:07.205

and what it actually means and how maintain has been

245

00:14:07.425 --> 00:14:09.205

or maintenance has been dealt with,

246

00:14:09.205 --> 00:14:10.925

particularly in the environmental statement.

247

00:14:11.985 --> 00:14:14.885

Um, I think the easier way

248

00:14:14.905 --> 00:14:17.445

or the shorthand way of describing how it's been dealt

249

00:14:17.445 --> 00:14:19.645

with in the environmental statement is extremely briefly.

250

00:14:20.665 --> 00:14:23.885

Um, there is hardly any reference.

251

00:14:24.625 --> 00:14:29.165

And then when we look at how maintain is, is being defined,

252

00:14:29.465 --> 00:14:32.405

um, in article two, I think that the two areas

253

00:14:32.435 --> 00:14:35.205

that are particularly troublesome are re remove

254

00:14:35.305 --> 00:14:38.325

and reconstruct, um,

255

00:14:40.835 --> 00:14:42.565

removed, potentially demolition.

256

00:14:42.705 --> 00:14:46.925

The, the ES is quite clear that it, it has in effect parked,

257

00:14:48.315 --> 00:14:50.535

um, demolition for

258

00:14:50.855 --> 00:14:53.605

whenever that might happen sometime in the distant future.

259

00:14:55.025 --> 00:14:59.365

Um, but it's, it's reconstruct, um, that is perhaps of,

260

00:15:00.345 --> 00:15:02.325

um, immediate pertinent.

261

00:15:03.405 --> 00:15:05.045

I mean, from the applicant's perspective,

262

00:15:05.275 --> 00:15:08.365

what do you think reconstruct actually means?

263

00:15:11.965 --> 00:15:15.665

Is it bits and pieces, maybe a part of a jetty, um,

264

00:15:15.775 --> 00:15:19.865

that got damaged or a links span element that got damaged

265

00:15:20.005 --> 00:15:21.305

and would need to be replaced?

266

00:15:22.205 --> 00:15:24.145

Or does it go further than that?

267

00:15:24.325 --> 00:15:28.105

Uh, almost, um, verging on total renewal

268

00:15:28.285 --> 00:15:31.585

of large elements of the proposed infrastructure.

269

00:15:36.965 --> 00:15:40.505

So James TR0 for the applicant. So it's both.

270

00:15:41.885 --> 00:15:45.425

And the position is

271

00:15:46.335 --> 00:15:50.105

that the environmental statement, of course, does assess

272

00:15:51.645 --> 00:15:53.665

the construction

273

00:15:56.445 --> 00:16:00.105

and the environmental effects of

274

00:16:00.865 --> 00:16:02.265

reconstruction if that were to occur,

275

00:16:02.265 --> 00:16:03.745

would be in effect the same

276

00:16:07.725 --> 00:16:10.085

embedded of course in the general proposition

277

00:16:10.785 --> 00:16:13.085

of these wordings.

278

00:16:13.705 --> 00:16:18.685

Um, maintenance, for example, be it from painting

279

00:16:18.865 --> 00:16:23.765

or replacement of a bolt, et cetera, is, uh,

280

00:16:24.075 --> 00:16:26.085

permitted in any event

281

00:16:30.065 --> 00:16:32.805

may not even in fact constitute development at all.

282

00:16:33.795 --> 00:16:35.645

Most, most, for most part it wouldn't.

283

00:16:37.065 --> 00:16:40.765

But that, that, that is the, the, the approach

284

00:16:43.895 --> 00:16:45.405

Would require a separate consent.

285

00:16:45.815 --> 00:16:47.045

Sorry, a substantial,

286

00:16:47.385 --> 00:16:48.385

Yes. Uh, it's not,

287

00:16:48.385 --> 00:16:48.885

yeah.

288

00:16:48.905 --> 00:16:53.045

Um, to be clear, any alteration beyond, um,

289

00:16:53.705 --> 00:16:56.245

the scheme that's been assessed would inevitably require,

290

00:16:57.665 --> 00:17:00.445

uh, consent if it, if it's substantial

291

00:17:02.785 --> 00:17:06.485

or departing from what's been authorized.

292

00:17:08.945 --> 00:17:12.485

And that, that is, that is the intention.

293

00:17:12.825 --> 00:17:14.765

We also say it's the effect of the wording.

294

00:17:15.105 --> 00:17:18.725

Um, but that just to be clear, that's, we're not seeking

295

00:17:18.725 --> 00:17:21.245

to do more than that which has been assessed

296

00:17:31.945 --> 00:17:35.505

Anything from any of the ips, Mr.

297

00:17:35.745 --> 00:17:36.745

0

298

00:17:36.885 --> 00:17:38.305

Uh, Robbie Aaron for CRDN.

299

00:17:39.445 --> 00:17:42.985

So I'm, I'm afraid we, we failed to understand the, uh,

300

00:17:43.105 --> 00:17:45.225

applicant's position in this respect.

301

00:17:45.445 --> 00:17:48.145

Um, we, we didn't understand it before today.

302

00:17:49.185 --> 00:17:50.485

We still don't understand it.

303

00:17:50.665 --> 00:17:55.445

Um, I refer to our own submissions at deadline six,

304

00:17:55.825 --> 00:17:58.245

uh, rep 6 0 3 6.

305

00:17:58.545 --> 00:18:02.325

Um, in appendix one, we set out our, um,

306

00:18:02.885 --> 00:18:05.685

comments on the then draft of the,

307

00:18:06.185 --> 00:18:07.365

uh, development consent order.

308

00:18:07.625 --> 00:18:10.245

In the very first point we made in paragraphs one through

309

00:18:10.265 --> 00:18:14.245

to seven, um, was in relation to this very issue

310

00:18:14.245 --> 00:18:15.645  
of maintenance and Article six

311

00:18:15.665 --> 00:18:17.685  
and the definition of maintain in Article two,

312

00:18:18.155 --> 00:18:19.165  
paragraph one.

313

00:18:19.465 --> 00:18:23.165  
And I, I've obviously heard what Mr.

314

00:18:23.165 --> 00:18:24.965  
Straw has just said, but this isn't

315

00:18:24.965 --> 00:18:28.205  
what the draft DC0 itself says in

316

00:18:28.205 --> 00:18:32.605  
that article two one clearly includes in maintain, uh,

317

00:18:33.085 --> 00:18:37.565  
reconstruct, uh, amongst, um, an alterations of course.

318

00:18:37.985 --> 00:18:39.205  
Um, and, um,

319

00:18:40.105 --> 00:18:44.245  
It, it, it, It, it seems plain to us, um, for,

320

00:18:44.245 --> 00:18:47.645  
for the other reasons we went on to say in that, uh,

321

00:18:47.965 --> 00:18:52.325  
documented deadline six, that the applicant is not, um,

322

00:18:52.805 --> 00:18:55.805  
considered the environmental impact of the full extent

323

00:18:55.805 --> 00:18:58.085

of maintenance as defined in Article two one,

324

00:19:00.075 --> 00:19:02.365

including the environmental impact of reconstruct,

325

00:19:02.365 --> 00:19:05.525

which Article two one taken with Article six would, would,

326

00:19:05.525 --> 00:19:08.925

would permit without any further approvals.

327

00:19:10.595 --> 00:19:14.865

It's as plain, as plain as that to to,

328

00:19:14.965 --> 00:19:17.345

to our eyes in terms of what the DC0 is seeking, which,

329

00:19:17.485 --> 00:19:18.905

and there's a, a very big mismatch

330

00:19:18.905 --> 00:19:20.185

therefore with what's been assessed.

331

00:19:38.425 --> 00:19:42.425

I mean, I certainly had instances with other cases

332

00:19:42.435 --> 00:19:46.185

where it's the reconstruct word that has caused concerns.

333

00:19:46.345 --> 00:19:47.905

I, I can think of, or I've seen it

334

00:19:47.905 --> 00:19:49.145

with national highway schemes

335

00:19:49.645 --> 00:19:51.865

and the re reconstruct has been taken out.

336

00:19:52.685 --> 00:19:53.685

Um,

337

00:19:57.275 --> 00:20:00.365

There's Nothing wrong, sir, in robo for CLDN.

338

00:20:00.365 --> 00:20:05.205

There's nothing unusual in seeing reconstruct in,

339

00:20:05.305 --> 00:20:07.645

in this wording, but if you are seeking

340

00:20:07.675 --> 00:20:09.365

that power, you need to assess it,

341

00:20:09.465 --> 00:20:10.685

Assess it Precisely, yes.

342

00:20:10.705 --> 00:20:13.205

So it's a perfectly normal formulation of words,

343

00:20:13.225 --> 00:20:15.685

and you see that power in local harbor legisl

344

00:20:15.715 --> 00:20:17.005

legislation all over the place.

345

00:20:17.505 --> 00:20:19.245

Um, but it needs to be assessed

346

00:20:21.855 --> 00:20:23.125

James Strong for the applicant.

347

00:20:24.305 --> 00:20:28.525

So just taking it then in phases, uh,

348

00:20:28.665 --> 00:20:32.645

as is accepted, this is a commonly appearing word,

349

00:20:33.625 --> 00:20:37.605

and I, so you, you are referring to other examples

350

00:20:37.605 --> 00:20:38.685

where it may have been taken out.

351

00:20:38.765 --> 00:20:40.405

I don't know of those examples,

352

00:20:40.585 --> 00:20:43.365

but certainly it's common to find it in,

353

00:20:43.895 --> 00:20:47.725

we've given you presence in the DCO world

354

00:20:48.715 --> 00:20:52.645

Tilbury two and the able scheme

355

00:20:53.945 --> 00:20:58.245

and the principle of assessment seems, that seems

356

00:20:58.245 --> 00:21:02.765

to be the focus, of course, is exactly the same, um, as

357

00:21:03.825 --> 00:21:07.605

the justification in relation to Tilbury two and Abel.

358

00:21:08.425 --> 00:21:11.365

The reconstruction, if it were to occur,

359

00:21:11.775 --> 00:21:14.685

takes place within the same environmental envelope

360

00:21:14.745 --> 00:21:17.525

of the construction, which has already been assessed,

361

00:21:19.105 --> 00:21:23.685

and it is difficult to conceive

362

00:21:23.945 --> 00:21:25.485

of what additional,

363

00:21:25.545 --> 00:21:27.925

and I think you'll struggle to find any additional

364

00:21:28.455 --> 00:21:33.285

assessment in either of those two examples, let alone

365

00:21:33.865 --> 00:21:35.285

the ability to articulate

366

00:21:35.285 --> 00:21:39.165

what additional environmental effects are being postulated

367

00:21:40.425 --> 00:21:41.565

on reconstruction,

368

00:21:41.565 --> 00:21:43.725

which are different from the construction.

369

00:21:45.705 --> 00:21:50.565

And so that is the principle

370

00:21:50.565 --> 00:21:52.165

of the, of the environmental envelope.

371

00:21:55.155 --> 00:21:59.415

So, and I, I think you've got our rep 5 0 3 4,

372

00:22:00.555 --> 00:22:05.255

uh, you, you can check the relevant documents if you, if,

373

00:22:05.355 --> 00:22:08.375

if you, uh, if it would assist.

374

00:22:08.475 --> 00:22:12.975

But in relation to Porter Tilbury two expansion order,

375

00:22:13.115 --> 00:22:15.095

for example, a similar wording

376

00:22:15.755 --> 00:22:19.495

and the similar principle, no specific

377

00:22:20.935 --> 00:22:23.975

identification of additional environmental effects from

378

00:22:24.215 --> 00:22:27.015

reconstruction, because of course they're already covered

379

00:22:27.075 --> 00:22:28.935

by the process of construction.

380

00:22:34.755 --> 00:22:36.015

Robbie Aaron for CRDN.

381

00:22:36.355 --> 00:22:39.295

So, so I, I really don't think it assists the applicant

382

00:22:39.355 --> 00:22:42.895

to refer to, uh, other development consent orders, um,

383

00:22:42.895 --> 00:22:45.695

because that misses the point, um,

384

00:22:47.835 --> 00:22:51.535

as I've said, um, other development consent orders and, and,

385

00:22:51.555 --> 00:22:53.495

and I suspect including Tilbury two

386

00:22:53.555 --> 00:22:56.655

and also the able order, um, have these words in it.

387

00:22:56.835 --> 00:22:59.615

But, but that's not, that's not this, this point,

388

00:22:59.645 --> 00:23:03.815

this point is, uh, has the applicant in this case, uh,

389

00:23:04.085 --> 00:23:05.935

justified the powers it's seeking

390

00:23:06.635 --> 00:23:08.735

by including within the scope of the assessment,

391

00:23:08.735 --> 00:23:12.135

carried out an assessment of the effects of reconstruction.

392

00:23:12.275 --> 00:23:16.135

And we did address the reference previously made,

393

00:23:16.135 --> 00:23:18.175

and again, today, today made by the applicant

394

00:23:18.235 --> 00:23:21.775

to the Tilbury order, which, um, as you may recall,

395

00:23:21.875 --> 00:23:24.735

was an order I promoted in paragraph six of

396

00:23:24.925 --> 00:23:28.535

that appendix one of rep 6 0 3 6

397

00:23:28.535 --> 00:23:29.575

that I mentioned earlier, earlier.

398

00:23:30.635 --> 00:23:34.375

And, uh, and we said then that the environmental statement

399

00:23:34.375 --> 00:23:36.015

for another project in that case,

400

00:23:36.015 --> 00:23:38.415

port Tilbury has no bearing on the matter.

401

00:23:39.435 --> 00:23:41.135

Um, for the reason I've just said, it's

402

00:23:41.135 --> 00:23:43.935

what has been assessed in this case that matters.

403

00:23:44.835 --> 00:23:47.925

And, and I went on to say in that appendix, in any,

404

00:23:48.065 --> 00:23:50.125

in any event, even the excerpt of

405

00:23:50.125 --> 00:23:51.565  
that environmental statement selected

406

00:23:51.565 --> 00:23:54.925  
by the applicant highlights its inconsistency on this issue.

407

00:23:55.065 --> 00:23:58.245  
The extract notes that the exercise of the power to maintain

408

00:23:58.865 --> 00:24:00.925  
in the Tilbury case that is, would be subject

409

00:24:00.925 --> 00:24:03.725  
to measures contained in an operational management plan.

410

00:24:04.425 --> 00:24:06.965  
The applicant has proposed no such equivalent measure here.

411

00:24:07.505 --> 00:24:09.165  
Um, you, you don't have

412

00:24:09.165 --> 00:24:11.565  
before you the environmental statements that were prepared,

413

00:24:11.985 --> 00:24:14.565  
um, for the Bury scheme or indeed for the able scheme.

414

00:24:15.065 --> 00:24:18.685  
Um, and it, it doesn't assist to sort of refer

415

00:24:18.685 --> 00:24:19.685  
to them in such general terms

416

00:24:19.685 --> 00:24:22.645  
because as I say, what matters is

417

00:24:22.915 --> 00:24:26.365  
what is assessed in each case to justify the powers

418

00:24:26.365 --> 00:24:29.165  
that are being sought in each case. And

419

00:24:29.985 --> 00:24:33.445  
The, The inescapable conclusion is

420

00:24:33.445 --> 00:24:36.925  
that the applicant has not assessed the full extent

421

00:24:36.925 --> 00:24:38.765  
of the powers it is seeking in Article six.

422

00:24:39.625 --> 00:24:42.005  
Uh, and, and that seems to be borne out by

423

00:24:43.555 --> 00:24:46.005  
even a cursory examination of the environmental statement,

424

00:24:46.005 --> 00:24:49.245  
where whereas in my experience, uh, applicants

425

00:24:50.465 --> 00:24:53.405  
do endeavor to include an assessment of the effects

426

00:24:53.405 --> 00:24:54.845  
of maintenance and reconstruction,

427

00:24:54.845 --> 00:24:57.365  
and you see environmental statement specific sections

428

00:24:57.555 --> 00:25:00.485  
dealing with that because the powers sought extend

429

00:25:01.025 --> 00:25:03.325  
to maintenance including reconstruction.

430

00:25:03.345 --> 00:25:05.245  
So that's our, that's our position.

431

00:25:05.245 --> 00:25:09.445

So it hasn't moved on from, um, uh, deadline six

432

00:25:09.445 --> 00:25:13.365

and indeed previous submissions before, uh, deadline six.

433

00:25:14.705 --> 00:25:18.605

It seems to us therefore that you have no choice

434

00:25:18.705 --> 00:25:23.525

but to recommend that the power to maintain cannot

435

00:25:24.435 --> 00:25:28.085

include reconstruction because it hasn't been assessed.

436

00:25:32.495 --> 00:25:33.875

It, it's no answer to be told.

437

00:25:33.875 --> 00:25:36.275

Well, the reconstruction would take place within the same

438

00:25:36.515 --> 00:25:37.915

envelope as as construction.

439

00:25:38.175 --> 00:25:40.915

That's not enough. You, you, you need to see evidence

440

00:25:40.915 --> 00:25:44.515

that the environmental effects of reconstruction

441

00:25:45.105 --> 00:25:46.355

have been considered.

442

00:25:46.355 --> 00:25:48.315

It might be said, but it hasn't been said

443

00:25:48.315 --> 00:25:51.035

that the effects are no greater than for construction,

444

00:25:51.035 --> 00:25:52.155

but that's not before you,

445

00:25:54.535 --> 00:25:55.535

Okay.

446

00:25:55.615 --> 00:25:57.905

Okay. Understand your point, Mr. Walker.

447

00:25:58.645 --> 00:26:00.785

Um, thank you. Angus Walker for DFDS.

448

00:26:00.885 --> 00:26:04.945

Um, I had been reasonably relaxed the Article six two

449

00:26:05.655 --> 00:26:09.305

limited maintenance to that, which was, um,

450

00:26:10.065 --> 00:26:11.305

assessed in the environmental statement.

451

00:26:11.305 --> 00:26:13.625

And so if it isn't assessed, then they can't do it.

452

00:26:14.325 --> 00:26:17.385

But when Mr. STR just tried to say that

453

00:26:18.505 --> 00:26:21.065

reconstruction is within the envelope of construction,

454

00:26:22.025 --> 00:26:23.105

I can't see, surely

455

00:26:23.105 --> 00:26:24.785

that's doubling the environmental effects.

456

00:26:24.805 --> 00:26:27.465

If you're doing it twice, you'll have twice as much noise,

457

00:26:27.465 --> 00:26:29.945

twice as much traffic over twice as long a time.

458

00:26:30.925 --> 00:26:34.065

Um, I can't see how that is possibly justifiable.

459

00:26:34.765 --> 00:26:39.025

So I'm now concerned that they're going to interpret

460

00:26:39.975 --> 00:26:43.925

that a bit too widely, uh, on a, I'm not sure if I'm allowed

461

00:26:43.925 --> 00:26:45.405

to raise a slightly different point,

462

00:26:45.405 --> 00:26:47.725

but the, the definition of construct

463

00:26:48.665 --> 00:26:51.045

has replace in it in article two,

464

00:26:52.305 --> 00:26:54.085

and I've made this point before,

465

00:26:54.105 --> 00:26:58.205

but it has no equivalent to, um, being limited

466

00:26:58.265 --> 00:27:00.165

to what's assessed in the environmental statement.

467

00:27:00.785 --> 00:27:03.365

At the last hearing when I raised it, it was, it,

468

00:27:03.385 --> 00:27:07.165

it became an action 0.4 to, um,

469

00:27:08.065 --> 00:27:09.645

for the applicant to justify it,

470

00:27:09.665 --> 00:27:13.325

but they didn't do so in their response to action 0.4.

471

00:27:13.425 --> 00:27:16.085

So we still need that justification.

472

00:27:33.405 --> 00:27:36.185

Mr. So James Storm for the applicant, just dealing

473

00:27:36.185 --> 00:27:38.065

with, I think two slightly different points,

474

00:27:38.125 --> 00:27:39.425

but the, the, going back

475

00:27:39.425 --> 00:27:43.185

to the first point I've already made our, our points on it.

476

00:27:43.685 --> 00:27:47.425

The, just in terms of the additional point, you'll see

477

00:27:48.525 --> 00:27:51.425

my submissions that I've just made about reconstructs

478

00:27:51.425 --> 00:27:55.185

and in relation to maintenance, please note the terms

479

00:27:55.285 --> 00:27:56.985

of Article six two.

480

00:28:02.405 --> 00:28:05.265

The article doesn't authorize any works which are likely

481

00:28:05.265 --> 00:28:06.945

to give rise to any materially new

482

00:28:06.945 --> 00:28:09.425

or materially different effects than not been assessed in

483

00:28:09.425 --> 00:28:10.985

the environmental statement.

484

00:28:14.285 --> 00:28:18.145

So it's clear that

485

00:28:19.515 --> 00:28:22.785

those works and maintenance that I was identifying

486

00:28:22.785 --> 00:28:26.865

as within the scope insofar as they go

487

00:28:26.865 --> 00:28:31.625

outside the environmental envelope, um, would be covered

488

00:28:31.725 --> 00:28:33.225

or caught or excluded.

489

00:28:33.335 --> 00:28:36.145

I'll put a better way under Article six two.

490

00:28:37.175 --> 00:28:41.225

However, going back to the sort of principle point, um,

491

00:28:42.285 --> 00:28:45.985

are the triumph

492

00:28:45.985 --> 00:28:50.585

for form over substance, where the environmental statement

493

00:28:51.245 --> 00:28:55.425

has set out an assessment of the construction

494

00:28:58.635 --> 00:29:02.345

works of maintenance, repair, placement, et cetera,

495

00:29:03.935 --> 00:29:07.665

will, where they give rise to the same in effect

496

00:29:08.455 --> 00:29:09.625

effects that have been already

497

00:29:09.865 --> 00:29:11.305

assessed, are already assessed.

498

00:29:12.325 --> 00:29:17.025

And I, I'm not, uh, we'll leave it for you

499

00:29:17.025 --> 00:29:19.505  
to look at the Tilbury two example.

500

00:29:20.645 --> 00:29:23.705  
Uh, you can readily see the environmental statement,

501

00:29:23.705 --> 00:29:25.545  
but we've already given you the extract.

502

00:29:26.725 --> 00:29:28.185  
Um, that's of relevance.

503

00:29:28.845 --> 00:29:33.665  
The, the basic point made by the Assessors in

504

00:29:33.665 --> 00:29:35.625  
that case is that there isn't a requirement

505

00:29:35.625 --> 00:29:39.785  
for further assessment because the maintenance operations

506

00:29:40.015 --> 00:29:43.245  
with all fall within the environmental envelope related

507

00:29:43.305 --> 00:29:45.205  
to the initial construction phase

508

00:29:45.345 --> 00:29:48.405  
as they would involve similar activities.

509

00:29:48.665 --> 00:29:50.725  
And that is obvious.

510

00:29:56.005 --> 00:29:58.785  
It is worth just remembering, of course, in relation

511

00:29:58.785 --> 00:30:02.705  
to environmental impact assessment, that the requirement

512

00:30:02.705 --> 00:30:05.305

to assess effects is of course,

513

00:30:05.405 --> 00:30:07.945

the likely significant environmental of effects

514

00:30:09.405 --> 00:30:13.745

and where those have been done for the scheme in relation

515

00:30:13.745 --> 00:30:17.305

to construction, merely repeating

516

00:30:19.245 --> 00:30:20.505

if it's thought necessary.

517

00:30:21.095 --> 00:30:25.785

That sort of principle, namely, I'm not going to have

518

00:30:25.785 --> 00:30:27.865

to reassess the effects I've already assessed

519

00:30:27.865 --> 00:30:30.945

where I'm replacing them is unnecessary.

520

00:30:30.945 --> 00:30:32.625

There's no requirement on in law.

521

00:30:33.285 --> 00:30:36.865

Uh, and the, I've made it clear,

522

00:30:37.665 --> 00:30:40.385

I submit the order, makes it clear as in other cases

523

00:30:41.415 --> 00:30:44.065

that there isn't a power to go beyond

524

00:30:44.815 --> 00:30:48.945

that which has already been assessed in, in the works of

525

00:30:49.495 --> 00:30:50.745

maintenance, et cetera.

526

00:30:54.805 --> 00:30:58.145

But I suspect you'll, you'll just need to reflect on,

527

00:30:58.845 --> 00:31:00.225

on those and come to your own view.

528

00:31:01.145 --> 00:31:02.665

I think you are quite right in that context.

529

00:31:03.125 --> 00:31:05.945

Um, we've heard what you've said, we've heard

530

00:31:05.975 --> 00:31:07.185

what the IPS have said.

531

00:31:07.885 --> 00:31:09.185

We, we've just gonna have to go away

532

00:31:09.185 --> 00:31:12.065

and do a bit of reading, uh, in detail in terms

533

00:31:12.065 --> 00:31:12.985

of what's in the air,

534

00:31:39.195 --> 00:31:39.545

Right.

535

00:31:39.645 --> 00:31:44.545

I'd like to now jump onto our jump forward in the, uh, order

536

00:31:44.645 --> 00:31:45.905

to article 33

537

00:31:46.925 --> 00:31:51.185

and schedule six, um, in effect certification of plans

538

00:31:51.805 --> 00:31:56.505

and in particular touch on the navigational risk assessment.

539

00:31:58.005 --> 00:32:02.625

Now, in previous iterations of the, um, draft order,

540

00:32:03.845 --> 00:32:08.305

um, there was reference to the NRA in requirement 15,

541

00:32:09.365 --> 00:32:12.345

um, that was removed, I think in the version of the order

542

00:32:12.345 --> 00:32:14.505

that was issued at deadline five.

543

00:32:15.485 --> 00:32:18.985

And that follows, uh, I think clear submissions, um,

544

00:32:19.095 --> 00:32:20.985

that were made by the applicant via Mr.

545

00:32:21.235 --> 00:32:26.185

Drawn at certainly the last, um, DCO hearing issue,

546

00:32:26.665 --> 00:32:27.785

specific hearing four.

547

00:32:29.205 --> 00:32:31.745

Um, there is,

548

00:32:31.745 --> 00:32:33.665

however, a slight problem with the way

549

00:32:33.665 --> 00:32:36.025

that the order is currently drafted

550

00:32:36.415 --> 00:32:39.325

because in article two, um,

551

00:32:40.765 --> 00:32:45.125

NRA is is referred to, um, it's given its full form

552

00:32:45.265 --> 00:32:47.325

and it, its abbreviation

553

00:32:48.145 --> 00:32:51.485  
and then it appears in, um, schedule six

554

00:32:51.625 --> 00:32:53.565  
as a document to be certified.

555

00:32:54.305 --> 00:32:56.845  
But those are the only two references as far

556

00:32:56.845 --> 00:33:00.245  
as I can tell within the current draft order.

557

00:33:01.225 --> 00:33:04.325  
Um, where the NRA is actually referred

558

00:33:04.325 --> 00:33:07.965  
to IE in the interpretation section under article two,

559

00:33:08.825 --> 00:33:12.445  
and then in schedule six, um, is,

560

00:33:13.145 --> 00:33:15.205  
is the continued presence

561

00:33:15.825 --> 00:33:19.685  
or the reference to the NRA, Um,

562

00:33:20.265 --> 00:33:22.285  
in effect at the front end of the order

563

00:33:22.425 --> 00:33:23.645  
and the back end of the order,

564

00:33:23.785 --> 00:33:27.045  
but with nothing actually biting on it, is

565

00:33:27.045 --> 00:33:28.525  
that just a drafting error?

566

00:33:29.665 --> 00:33:32.125

Um, or does the applicant consider

567

00:33:32.125 --> 00:33:35.085

that the NRA does have some role to play,

568

00:33:36.065 --> 00:33:37.085

uh, in a made order,

569

00:33:41.375 --> 00:33:43.605

James Stro for the applicant?

570

00:33:43.945 --> 00:33:48.405

Sir? Yes. The references you are identifying are,

571

00:33:48.985 --> 00:33:52.205

uh, hangover from the previous identification.

572

00:33:53.145 --> 00:33:54.805

The environmental statement,

573

00:33:54.805 --> 00:33:58.885

however, is a, tends to be a certified document

574

00:34:00.465 --> 00:34:04.205

and the NRA forms part of the environmental statement.

575

00:34:55.125 --> 00:34:57.785

But if I look at, um, schedule six

576

00:34:58.125 --> 00:35:01.305

and the, the documents forming part of the ES

577

00:35:02.015 --> 00:35:06.985

that are listed, um, it's some, not all,

578

00:35:08.635 --> 00:35:11.705

which then begs the question, well,

579

00:35:11.705 --> 00:35:15.905

if all the SES is to be, uh, in effect certified, they will,

580

00:35:16.035 --> 00:35:17.545  
every part of it needs to be listed

581

00:35:22.255 --> 00:35:24.265  
because it, it appears from the list

582

00:35:24.265 --> 00:35:28.105  
that's currently in schedule six that something perhaps

583

00:35:29.615 --> 00:35:33.465  
special is, is, is being considered in terms of NRA

584

00:35:33.965 --> 00:35:36.745  
and for that matter, the ta, because that's also referred to

585

00:35:40.655 --> 00:35:41.805  
James Storms the applicant.

586

00:35:42.025 --> 00:35:45.445  
It is intended to be all of the environmental statement.

587

00:35:45.825 --> 00:35:50.565  
The in schedule six, there are various substitutions

588

00:35:51.335 --> 00:35:56.165  
where there've been, um, updates to parts

589

00:35:56.165 --> 00:35:57.685  
of the environmental statement.

590

00:36:05.595 --> 00:36:09.295  
So if you, you're in the same place that I'm,

591

00:36:10.555 --> 00:36:14.295  
the document to be certified is

592

00:36:14.875 --> 00:36:16.455  
the environmental statement.

593

00:36:16.715 --> 00:36:20.495

And then, uh, document reference

594

00:36:21.075 --> 00:36:24.975

on the right hand side, the environmental statement, figures

595

00:36:24.975 --> 00:36:29.295

and appends contained in document references, 8.2, 8.3,

596

00:36:29.705 --> 00:36:33.735

8.4, subject to the substitution set out below.

597

00:36:35.275 --> 00:36:39.935

And then we've got A, B, C, D, E through to

598

00:36:40.535 --> 00:36:44.425

F which f for allowing

599

00:36:44.565 --> 00:36:48.385

for passage of time.

600

00:36:48.445 --> 00:36:49.465

As we're sit here now,

601

00:37:23.175 --> 00:37:26.035

We we're going to touch on some of the control measures

602

00:37:26.625 --> 00:37:29.235

that are referred to in the NRA later on.

603

00:37:29.255 --> 00:37:33.395

So I think, um, we, we can partner that issue, but Mr.

604

00:37:35.385 --> 00:37:38.915

Robo and CRDN, um, that was helpful. What Mr.

605

00:37:39.055 --> 00:37:40.275

Strawn was saying.

606

00:37:40.595 --> 00:37:45.035

I I, I, if I might, um, suggest that the,

607

00:37:45.375 --> 00:37:49.395

the layout of that bit of schedule six isn't

608

00:37:50.015 --> 00:37:52.435

as clear as it might be to make that point

609

00:37:52.465 --> 00:37:55.875

that it is the whole es subject to the substitutions.

610

00:37:56.135 --> 00:38:00.235

Um, uh, and I think it could be much clearer, um,

611

00:38:00.265 --> 00:38:03.795

because, so for example, if we go back to our, our,

612

00:38:03.895 --> 00:38:05.275

our friend article six two

613

00:38:05.275 --> 00:38:08.195

that we were discussing a while ago, which says

614

00:38:08.195 --> 00:38:09.195

that the power

615

00:38:09.195 --> 00:38:11.635

to maintain doesn't authorize any works which haven't been

616

00:38:11.755 --> 00:38:13.475

assessed in the es, you then ask yourself, well,

617

00:38:13.475 --> 00:38:14.675

what does the, the ES mean?

618

00:38:15.055 --> 00:38:16.915

You then eventually get to schedule six.

619

00:38:17.295 --> 00:38:20.675

And it, it's not entirely clear from that that

620

00:38:20.675 --> 00:38:22.675

that it is the whole Es including

621

00:38:23.335 --> 00:38:25.155  
the navigational risk assessment.

622

00:38:25.335 --> 00:38:28.715  
So, uh, I I I think that the applicant,

623

00:38:29.575 --> 00:38:31.715  
it would be helpful if they could look at the layout

624

00:38:31.735 --> 00:38:35.565  
of Schedule six and also consider, consider

625

00:38:35.565 --> 00:38:38.605  
as a second point whether there is a need in the context

626

00:38:38.665 --> 00:38:40.485  
of the mention of the, of the ES

627

00:38:42.075 --> 00:38:45.895  
to say including the NRA given that

628

00:38:45.895 --> 00:38:48.655  
that's separately defined, so

629

00:38:48.655 --> 00:38:51.375  
that it's very clear when looking at this if the order is

630

00:38:51.375 --> 00:38:55.095  
made that, that ES is everything including the NRA,

631

00:39:04.605 --> 00:39:07.025  
Mr str James Strong

632

00:39:07.025 --> 00:39:08.265  
for the applicant, happy to do that.

633

00:39:08.405 --> 00:39:09.505  
If it were to assist you, sir,

634

00:39:09.905 --> 00:39:13.545

I mean, it, it, it might be, um, that we,

635

00:39:13.565 --> 00:39:17.785

we will get there before you do in terms of, um, the work

636

00:39:17.785 --> 00:39:20.865

that we are likely to be doing next week on, um,

637

00:39:21.205 --> 00:39:23.225

our suggested changes to the order.

638

00:39:24.365 --> 00:39:27.305

Um, but yeah, I think generally I think what we,

639

00:39:27.305 --> 00:39:29.145

having had a look at schedule six this morning,

640

00:39:29.295 --> 00:39:32.505

that there is further clarity required

641

00:39:32.525 --> 00:39:35.185

to make it clear precisely, um,

642

00:39:35.885 --> 00:39:37.425

what's in that list of documents.

643

00:39:38.365 --> 00:39:42.505

Um, so don't be surprised if, um, by the end

644

00:39:42.505 --> 00:39:45.745

of next week we've issued our suggested changes that we,

645

00:39:45.845 --> 00:39:49.665

we possibly, um, tear this schedule apart

646

00:39:49.885 --> 00:39:51.305

and perhaps start again.

647

00:40:05.925 --> 00:40:09.665

Why? Because

648

00:40:10.215 --> 00:40:11.225  
they haven't assessed.

649

00:40:16.645 --> 00:40:18.785  
Um, actually just thinking about it,

650

00:40:18.785 --> 00:40:20.545  
taking things slightly outta turn,

651

00:40:20.685 --> 00:40:24.505  
but while I've remembered to raise the matter, um,

652

00:40:24.845 --> 00:40:29.665  
it would be very useful if we could have a word version

653

00:40:30.525 --> 00:40:34.185  
of the extent version of the D-C-O-A-S-A-P

654

00:40:35.445 --> 00:40:36.505  
and similarly,

655

00:40:36.785 --> 00:40:39.425  
although we're gonna come to this later, I I might forget.

656

00:40:40.245 --> 00:40:44.905  
Um, in terms of protective provisions, there's a set

657

00:40:44.905 --> 00:40:47.065  
that DFDS have put forward.

658

00:40:47.065 --> 00:40:48.865  
There's a set that CLDN have put forward,

659

00:40:49.365 --> 00:40:51.985  
and I think there are revisions that iot have put forward.

660

00:40:52.365 --> 00:40:55.705  
Can we simply ask for all of those to come in in word form?

661

00:40:56.885 --> 00:40:58.825

Um, as soon as possible.

662

00:40:59.725 --> 00:41:02.425

Uh, we've, we will produce a table in our, uh,

663

00:41:02.425 --> 00:41:05.545

suggested changes as fairly easy to embed all

664

00:41:05.545 --> 00:41:07.425

that lot into our table.

665

00:41:08.445 --> 00:41:12.545

Having had to work with, uh, draft orders previously

666

00:41:13.475 --> 00:41:15.665

formatting on the actual order that goes

667

00:41:15.665 --> 00:41:18.305

to the secretary state is not so straightforward.

668

00:41:18.925 --> 00:41:22.985

Um, so if sending whatever you can, you,

669

00:41:23.565 --> 00:41:27.465

you try and get it formatted, um, as, uh,

670

00:41:27.485 --> 00:41:30.185

the statute instrument should be, but try

671

00:41:30.185 --> 00:41:32.905

and make it as clean as possible so that if we are having

672

00:41:32.945 --> 00:41:36.765

to lift it ultimately into our recommended version

673

00:41:36.785 --> 00:41:41.085

of the order that that process is as clean as possible.

674

00:41:41.805 --> 00:41:45.165

'cause my understanding is the, the, the template

675

00:41:45.305 --> 00:41:48.805

or, uh, is still using a pretty old version of word

676

00:41:49.785 --> 00:41:54.045

and is quite difficult, um, to use in when you try

677

00:41:54.045 --> 00:41:56.205

and with a machine that's got the current version of

678

00:41:56.205 --> 00:41:57.885

where formatting goes all over the place.

679

00:42:42.805 --> 00:42:45.315

Right. I'd like now like to spend a little bit

680

00:42:45.315 --> 00:42:48.395

of time looking at the requirements in schedule two.

681

00:42:49.815 --> 00:42:54.635

Um, I'm wondering whether

682

00:42:54.695 --> 00:42:59.515

it might be helpful to have displayed,

683

00:42:59.815 --> 00:43:04.555

um, the extent,

684

00:43:04.665 --> 00:43:07.715

yeah, uh, the deadline six version of the order, which

685

00:43:09.495 --> 00:43:12.595

rep 6 0 0 3 by memory, I've,

686

00:43:12.595 --> 00:43:15.035

I've got a track change version, which is four in front

687

00:43:15.035 --> 00:43:17.395

of me, so I think it's probably better

688

00:43:17.395 --> 00:43:19.235  
to have the clean version on screen,

689

00:43:19.235 --> 00:43:20.555  
otherwise it could get very messy.

690

00:43:38.185 --> 00:43:41.125  
And so really as a general point, particularly

691

00:43:41.235 --> 00:43:44.365  
amongst the requirements where there's a, a need to submit

692

00:43:45.005 --> 00:43:47.845  
particularly to the local authority, then get an approval

693

00:43:48.025 --> 00:43:49.045  
for a final version.

694

00:43:50.185 --> 00:43:52.445  
Um, so I think that's particularly affecting requirements

695

00:43:52.535 --> 00:43:55.325  
seven, nine, and 11.

696

00:43:56.705 --> 00:44:00.845  
Um, there still appear to be some issues with anatomy

697

00:44:02.625 --> 00:44:03.845  
and in some

698

00:44:03.845 --> 00:44:06.285  
of the other requirements they are in effectfully,

699

00:44:06.285 --> 00:44:10.805  
self-contained, you submit something, you hope

700

00:44:10.805 --> 00:44:15.365  
to get an approval, you then abide by, um,

701

00:44:15.545 --> 00:44:18.925

the approval that's granted for whatever, um, the matter is.

702

00:44:19.585 --> 00:44:23.885

But for 7, 9 11, it's not so clear

703

00:44:24.705 --> 00:44:26.445

in the way things are currently drafted,

704

00:44:36.225 --> 00:44:39.085

Uh, and that there has been some reliance on,

705

00:44:39.225 --> 00:44:42.125

in effect the sort of you must implement in accordance

706

00:44:42.125 --> 00:44:45.885

with what's been approved, uh, using, uh, requirement 15.

707

00:44:47.025 --> 00:44:50.325

Um, this perhaps is a question first

708

00:44:50.625 --> 00:44:55.005

for the council in terms of its preference, would,

709

00:44:55.005 --> 00:44:57.045

would you have a preference for requirements

710

00:44:57.225 --> 00:45:00.005

or in effect conditions that are written so that everything

711

00:45:00.615 --> 00:45:04.485

pertaining to a topic area is clearly covered in

712

00:45:04.485 --> 00:45:09.405

that in one requirement so that the stages submitted a,

713

00:45:09.845 --> 00:45:12.485

a trigger point discharge

714

00:45:13.385 --> 00:45:15.085

and then, um, implement

715

00:45:15.475 --> 00:45:16.925  
accordingly, uh, further

716

00:45:16.945 --> 00:45:19.925  
to whatever approval being granted is all in one place,

717

00:45:20.545 --> 00:45:23.725  
not spattered around in various bits within the schedule?

718

00:45:24.745 --> 00:45:26.645  
Mr. Limmer, uh, yeah.

719

00:45:26.725 --> 00:45:29.085  
Richard Limmer from Northeastern Council, uh, yes,

720

00:45:29.085 --> 00:45:30.765  
we would prefer it, uh, that way.

721

00:45:30.775 --> 00:45:34.005  
Thank you. I also suspect that

722

00:45:34.005 --> 00:45:37.525  
that makes life a little bit easier for the, the, those

723

00:45:37.865 --> 00:45:42.445  
who are specifically dealing with a particular matter.

724

00:45:43.185 --> 00:45:46.845  
Um, many colleges for whoever, um,

725

00:45:47.395 --> 00:45:50.925  
they're only looking at at one set of instructions in effect

726

00:45:50.925 --> 00:45:53.525  
to to abide, um, applicant.

727

00:45:53.625 --> 00:45:55.525  
Any, any thoughts about, in effect

728

00:45:58.065 --> 00:46:01.285

making requirements that have various steps in the, um,

729

00:46:01.465 --> 00:46:03.485

in effect self-contained

730

00:46:04.735 --> 00:46:08.645

James, James Strong for the applicant's, uh,

731

00:46:09.265 --> 00:46:10.325

no difficulty with that.

732

00:46:15.925 --> 00:46:17.305

Any observations on that sort

733

00:46:17.305 --> 00:46:18.665

of matter from any of the other ips?

734

00:46:19.565 --> 00:46:19.785

No.

735

00:46:25.075 --> 00:46:29.145

Again, I think what will happen in our suggested changes

736

00:46:29.285 --> 00:46:32.105

to the order will we'll cover that side of things

737

00:46:32.565 --> 00:46:33.625

and just generally do

738

00:46:33.625 --> 00:46:35.785

what we think is an appropriate tidy up exercise.

739

00:47:04.765 --> 00:47:09.065

Moving on to requirement eight, which actually, sorry,

740

00:47:11.465 --> 00:47:14.865

I Need to make sure I hadn't made any

741

00:47:14.865 --> 00:47:15.985

further notes of my own.

742

00:47:29.595 --> 00:47:32.645

Yeah, so we we're gonna drop back to requirement four,

743

00:47:32.645 --> 00:47:34.005

which is construction hours,

744

00:47:34.955 --> 00:47:37.885

currently subtitled associated development.

745

00:47:38.035 --> 00:47:42.165

Then if we look at requirement six, um,

746

00:47:44.375 --> 00:47:46.725

which relates to in effect Marine works

747

00:47:47.025 --> 00:47:51.565

and there are hours of control, um, in there, I'm,

748

00:47:51.625 --> 00:47:54.765

I'm wondering whether with respect to art, sorry,

749

00:47:54.765 --> 00:47:58.885

requirement four, that should be expressly being referred to

750

00:47:59.145 --> 00:48:03.845

as in effect on shore works, then it's clear precisely,

751

00:48:04.265 --> 00:48:08.605

um, what it's covering versus what, um, is being covered

752

00:48:09.985 --> 00:48:11.605

in requirement six.

753

00:48:30.905 --> 00:48:32.565

Yes. Four 30, Yes.

754

00:48:33.945 --> 00:48:36.725

So no James, the applicant, no difficulty in principle of

755

00:48:36.725 --> 00:48:40.565

that, but we think it's covered by the, um, reference

756

00:48:40.565 --> 00:48:41.885  
to associated development

757

00:48:42.195 --> 00:48:46.765  
because that's then defined above as

758

00:48:46.765 --> 00:48:50.605  
to the, uh, works numbers four to 13

759

00:48:50.745 --> 00:48:52.525  
and ancillary works in schedule one.

760

00:48:53.905 --> 00:48:56.605  
It, it, it is, but that does mean you go back, it,

761

00:48:56.705 --> 00:48:59.605  
it might be easier to have a formal words, um,

762

00:48:59.605 --> 00:49:01.125  
that said in effect

763

00:49:03.295 --> 00:49:05.885  
works other than works number one to three

764

00:49:06.745 --> 00:49:11.565  
In, In, in the drafting of, um, requirement four.

765

00:49:12.465 --> 00:49:14.045  
And that makes a clear distinction.

766

00:49:14.145 --> 00:49:16.565  
You don't have to start looking at another part of the order

767

00:49:16.565 --> 00:49:19.125  
to try and work out what associated development is.

768

00:49:19.575 --> 00:49:23.245  
Again, wearing a local authority hat in days gone by,

769

00:49:23.245 --> 00:49:25.605

it's just so much easier when it's upfront.

770

00:49:25.965 --> 00:49:27.045

'cause the enforcement officer

771

00:49:27.065 --> 00:49:30.405

who gets the call at four o'clock on a Friday afternoon, um,

772

00:49:30.785 --> 00:49:32.325

has got possibly to respond

773

00:49:32.385 --> 00:49:36.445

and, um, it it, if you start having

774

00:49:36.445 --> 00:49:38.285

to look needle in the haystack, um,

775

00:49:38.545 --> 00:49:40.645

it becomes more difficult. So

776

00:49:40.945 --> 00:49:45.165

No, as I said, so we, we, we, no difficulty with that.

777

00:49:47.215 --> 00:49:48.485

Again, we'll, we'll pick

778

00:49:48.485 --> 00:49:50.285

that up I think in our suggested changes.

779

00:50:09.435 --> 00:50:12.815

And then looking at requirement seven, which is, um,

780

00:50:13.175 --> 00:50:15.055

external appearance, um,

781

00:50:16.975 --> 00:50:18.415

previously an issue has been raised,

782

00:50:18.535 --> 00:50:21.215

I can't remember whether Mr. Walker, Mr. Owen,

783

00:50:21.355 --> 00:50:25.335

or possibly both of them in relation to heights,

784

00:50:26.555 --> 00:50:29.965

um, for buildings relative to ground levels.

785

00:50:31.185 --> 00:50:35.925

Um, the, the engineering drawings are quite clear.

786

00:50:36.075 --> 00:50:40.245

They, they refer to illustrative or worth to that effect.

787

00:50:41.115 --> 00:50:44.245

They are also unclear as

788

00:50:44.265 --> 00:50:46.165

to whether they are showing

789

00:50:48.845 --> 00:50:51.405

Finished levels, um, existing levels.

790

00:50:52.665 --> 00:50:56.285

Um, some form of clarity I think needs to go in

791

00:50:56.625 --> 00:50:57.965

to the wording of seven.

792

00:50:58.905 --> 00:51:02.765

Um, so that we've got references to details of both location

793

00:51:03.715 --> 00:51:06.165

heights and external materials.

794

00:51:07.145 --> 00:51:08.285

Uh, Mr. Lier,

795

00:51:08.285 --> 00:51:10.365

have you got any observations of what you've seen?

796

00:51:10.915 --> 00:51:12.765

Both of the wording of the requirement,

797

00:51:12.785 --> 00:51:17.095

but also the drawings, um, and how easy

798

00:51:17.235 --> 00:51:19.175

or difficult it would be for the local authority

799

00:51:19.175 --> 00:51:20.735

to interpret whether

800

00:51:20.835 --> 00:51:23.935

or not what was being submitted for approval

801

00:51:25.255 --> 00:51:26.455

actually was in accordance with

802

00:51:26.455 --> 00:51:28.815

what was shown in effect on the schematic drawings

803

00:51:28.815 --> 00:51:30.095

submitted with the application?

804

00:51:32.145 --> 00:51:33.805

Uh, Richard Liman Northeast Links Council.

805

00:51:34.025 --> 00:51:35.845

Uh, thank you sir. Yeah, I think we would agree with,

806

00:51:35.875 --> 00:51:38.325

with yourself in terms of seeking that clarity, um,

807

00:51:38.475 --> 00:51:42.365

from those plans within that set requirement, um,

808

00:51:42.465 --> 00:51:45.245

as you say, it would be quite, uh, tricky at the moment

809

00:51:45.425 --> 00:51:48.325

to determine exactly where those levels, et cetera, lie.

810

00:51:48.655 --> 00:51:49.125

Thank you

811

00:51:52.865 --> 00:51:53.685

For the applicant.

812

00:51:53.905 --> 00:51:56.485

Um, suggestions as to how that might be resolved.

813

00:52:03.505 --> 00:52:04.705

I mean, it, it appears to me

814

00:52:04.705 --> 00:52:07.545

that potentially the drawings have got to be reissued.

815

00:52:09.895 --> 00:52:14.755

Why is that? To make it clear what the levels are

816

00:52:15.175 --> 00:52:17.755

and any, and they would need to, I mean in terms of the,

817

00:52:18.215 --> 00:52:22.155

the works in the river, there is some assistance in

818

00:52:22.155 --> 00:52:24.955

that they show existing level, uh,

819

00:52:25.175 --> 00:52:29.035

and a level relative to, um, there's, there's,

820

00:52:29.425 --> 00:52:31.595

there's a data level that's clearly referred to,

821

00:52:32.535 --> 00:52:34.955

but we don't have that for the land site side of things.

822

00:52:36.535 --> 00:52:39.475

We think section

823

00:52:41.045 --> 00:52:44.355

James Storm, the applicant, I, I'm just being told,

824

00:52:44.515 --> 00:52:48.275

I think the heights are set by reference

825

00:52:48.295 --> 00:52:52.235

to ordinance data for landside, but I might be wrong.

826

00:52:52.695 --> 00:52:53.695

Um,

827

00:52:54.455 --> 00:52:57.955

Can we, We can either

828

00:52:59.165 --> 00:53:01.635

check that we may be, I was thinking we might even be able

829

00:53:01.635 --> 00:53:02.795

to get it up on screen,

830

00:53:03.175 --> 00:53:07.355

but, uh, it, it is a matter of principle, no difficulty

831

00:53:07.355 --> 00:53:09.955

with the principle of ensuring that there's clarity

832

00:53:10.095 --> 00:53:11.995

of course, but I think we,

833

00:53:15.255 --> 00:53:19.395

yes, it might be covered in rep 4 0 0 4.

834

00:53:20.275 --> 00:53:21.275

I don't know if,

835

00:53:22.455 --> 00:53:24.195

Should we get, should we get it up and see what,

836

00:53:25.375 --> 00:53:27.125

We'll get it up for you, sir.

837

00:53:28.465 --> 00:53:30.805

I'm, I'm not sure the explanation

838

00:53:30.945 --> 00:53:32.565

and what's appearing on plans

839

00:53:33.205 --> 00:53:36.005

'cause I think this set of drawings was revised,

840

00:53:37.265 --> 00:53:39.485

but having looked at them, I think last night,

841

00:53:39.845 --> 00:53:41.965

I still was scratching my head a bit,

842

00:53:53.585 --> 00:53:57.205

if I remember rightly, that brickwork, um, sort

843

00:53:57.205 --> 00:53:59.525

of crosshatching below the lorries that we see on that image

844

00:54:00.155 --> 00:54:04.005

that isn't, um, included in some sort of key or anything.

845

00:54:04.225 --> 00:54:05.245

So that's unclear.

846

00:54:06.005 --> 00:54:08.885

I mean I'm presuming that's, um, intended

847

00:54:08.945 --> 00:54:10.445

to be the finished level.

848

00:54:16.745 --> 00:54:21.405

Can we go either left or right

849

00:54:29.525 --> 00:54:32.455

because I think the issue there is that we we're told

850

00:54:33.005 --> 00:54:34.175  
that the heights are given,

851

00:54:34.395 --> 00:54:38.095  
but we aren't told what, what the, that data level is.

852

00:54:39.195 --> 00:54:42.375  
I'm, you know, presuming that's proposed finished level,

853

00:54:43.755 --> 00:54:46.015  
but that does not indicate whether

854

00:54:46.015 --> 00:54:48.495  
or not there's been any ground raising

855

00:54:49.275 --> 00:54:50.495  
or lowering, for instance.

856

00:54:52.715 --> 00:54:52.935  
So

857

00:54:59.545 --> 00:55:00.975  
James, Johns the applicant, sir.

858

00:55:00.975 --> 00:55:02.615  
Yes, we can take that away.

859

00:55:04.995 --> 00:55:08.235  
I think what we will do in our suggested change is

860

00:55:08.235 --> 00:55:11.875  
that we won't be able to confirm what we think

861

00:55:12.495 --> 00:55:13.795  
the ultimate change should be.

862

00:55:13.995 --> 00:55:16.435  
'cause we won't have seen the drawings necessary to, to,

863

00:55:16.775 --> 00:55:18.595

but we will flag up that something needs

864

00:55:18.595 --> 00:55:20.875  
to be done, uh, to address.

865

00:55:21.255 --> 00:55:23.635  
Um, so clear, clearer. Mr. Rowing,

866

00:55:24.575 --> 00:55:25.575  
Uh, Robbie Aaron? CRDN,

867

00:55:25.575 --> 00:55:28.715  
sir. Thank you. Um, just, just a brief related point.

868

00:55:28.735 --> 00:55:29.875  
You mentioned five minutes

869

00:55:29.875 --> 00:55:32.755  
or so ago that this was possibly a point we had met,

870

00:55:32.755 --> 00:55:35.795  
raised ourselves before in, in fact it,

871

00:55:35.795 --> 00:55:37.395  
it was a point we had raised in the context

872

00:55:37.495 --> 00:55:41.915  
of Article seven in the power to deviate, um, vertically

873

00:55:42.745 --> 00:55:45.075  
from the levels shown on the engineering sections,

874

00:55:45.105 --> 00:55:46.195  
drawing some plans.

875

00:55:46.655 --> 00:55:49.155  
And the point I then made in summary was it wasn't clear

876

00:55:49.155 --> 00:55:52.515  
from the plans what those um, levels were.

877

00:55:52.935 --> 00:55:54.235

And unless I'm mistaken,

878

00:55:54.355 --> 00:55:57.595

I don't think the applicant has addressed that point

879

00:55:58.245 --> 00:55:59.395

since the last hearing.

880

00:55:59.775 --> 00:56:02.195

So, uh, unless I'm mistaken in that,

881

00:56:02.655 --> 00:56:04.115

I'd be grateful if the applicant would

882

00:56:04.115 --> 00:56:05.315

agree to take that away as well.

883

00:56:06.585 --> 00:56:09.995

Yeah, It's all part and parcel of the same issue.

884

00:56:09.995 --> 00:56:12.555

It is and in fact, if I remember rightly,

885

00:56:12.615 --> 00:56:14.875

you may even have raised it in the first issue.

886

00:56:15.235 --> 00:56:18.635

Specific hearing I did that dealt with the DDCO way back in

887

00:56:19.065 --> 00:56:20.065

July. July.

888

00:56:20.065 --> 00:56:20.785

Yeah.

889

00:56:21.605 --> 00:56:26.325

Thank you sir. I think there may well be more

890

00:56:26.325 --> 00:56:28.845

clarity about what's happening on the marine side.

891

00:56:29.665 --> 00:56:32.565

Um, but yeah, certainly the land side it's,

892

00:56:32.755 --> 00:56:35.165

it's a lot less clear.

893

00:56:36.465 --> 00:56:41.365

So yeah. Um, as Mr.

894

00:56:41.845 --> 00:56:45.925

Indicated Article seven will need to dovetail with

895

00:56:45.925 --> 00:56:49.605

what ultimately happens with requirement seven, um,

896

00:56:49.745 --> 00:56:54.605

and the drawings, but I suspect we may

897

00:56:54.605 --> 00:56:56.325

well be an issue in the territory

898

00:56:56.345 --> 00:56:57.965

of reissuing those drawings.

899

00:57:11.375 --> 00:57:15.565

Right. Finally, back to the construction

900

00:57:15.565 --> 00:57:16.765

and environmental management plan.

901

00:57:16.865 --> 00:57:19.565

I'd forgotten that I'd made various post-it notes in a hard

902

00:57:19.565 --> 00:57:23.085

copy and just relying on my, my typed notes

903

00:57:33.625 --> 00:57:36.405

in section one four of the Kemp,

904

00:57:36.405 --> 00:57:40.685

which is rep 5 0 1 18, um,

905

00:57:41.275 --> 00:57:45.925

there's reference to, I think it's a total of eight, um,

906

00:57:46.055 --> 00:57:47.285

management documents,

907

00:57:48.625 --> 00:57:51.005

but those management documents don't appear in,

908

00:57:51.105 --> 00:57:55.605

in a draft form within the, with the, within

909

00:57:55.715 --> 00:57:57.405

what is now the draft Kemp.

910

00:57:59.225 --> 00:58:03.925

Um, So in order to be able to comply

911

00:58:04.705 --> 00:58:07.965

in finalizing the Kemp with an outline Kemp

912

00:58:07.965 --> 00:58:11.845

or draft Kemp, um, surely we would need to see

913

00:58:12.715 --> 00:58:15.685

some draft management plans because

914

00:58:15.685 --> 00:58:17.885

otherwise it will be unclear as to whether

915

00:58:17.905 --> 00:58:20.765

or not the final version of the Kemp

916

00:58:20.765 --> 00:58:23.685

that the council's being or a body was being asked,

917

00:58:23.705 --> 00:58:26.005

or bodies were being asked to approve.

918

00:58:26.205 --> 00:58:27.365

'cause we're gonna come to another point

919

00:58:27.365 --> 00:58:28.645

about the Kemp in a minute.

920

00:58:29.505 --> 00:58:31.485

Um, they would not know what it was

921

00:58:31.555 --> 00:58:34.845

that they were considering as the original outline

922

00:58:34.905 --> 00:58:38.285

to see whether or not there was broad accordance with

923

00:58:38.285 --> 00:58:39.965

what was coming forward in the final version.

924

00:58:48.115 --> 00:58:49.135

So really the question is,

925

00:58:49.135 --> 00:58:51.855

should eight draft management plans as listed

926

00:58:52.675 --> 00:58:55.255

in section one four of the Kemp, um,

927

00:58:55.835 --> 00:58:58.095

be submitted for the applicant

928

00:59:11.835 --> 00:59:12.865

James form for the applicant?

929

00:59:12.865 --> 00:59:14.505

So we're just identifying

930

00:59:14.505 --> 00:59:16.305

that there are some drafts already.

931

00:59:16.505 --> 00:59:20.185

I I'm just finding out which ones they are, where they are.

932

00:59:21.755 --> 00:59:22.925

Just if you can give me a moment.

933

00:59:23.085 --> 00:59:24.205

I dunno, you want to come back to that

934

00:59:45.955 --> 00:59:46.955

Mr. Green?

935

00:59:47.305 --> 00:59:49.215

Brian Greenwood for, uh, APP?

936

00:59:49.555 --> 00:59:52.895

So Graham Carling, uh, from ACOM is online.

937

00:59:53.195 --> 00:59:56.695

He has been coordinating the, uh, Kemp, uh,

938

00:59:56.755 --> 00:59:59.415

and it may well be that he can assist if, uh,

939

01:00:00.275 --> 01:00:03.055

the technology can, uh, take us there.

940

01:00:09.125 --> 01:00:12.315

Hello, sir? Yep. Graham. Carolyn, I, I I open it soon.

941

01:00:12.315 --> 01:00:13.315

You can hear me?

942

01:00:18.875 --> 01:00:20.455

Yes. Can you, are you able to assist

943

01:00:20.565 --> 01:00:22.055

with the question that's just been put?

944

01:00:23.955 --> 01:00:26.335

Yes. Uh, yeah, I can, I can. I, oh, sorry.

945

01:00:26.335 --> 01:00:29.615

I've got quite a bit of feedback so I'll, I'll,

946

01:00:29.685 --> 01:00:31.775

I'll continue as, as well as I can do.

947

01:00:32.795 --> 01:00:36.695

Um, with regards to the outline plans,

948

01:00:37.275 --> 01:00:41.975

one has been generated, which is sat within the, uh,

949

01:00:41.975 --> 01:00:43.495

the outline, uh, center at the moment.

950

01:00:43.495 --> 01:00:46.775

That is the, the outline site waste management plan.

951

01:00:47.035 --> 01:00:51.565

Um, I think regarding your wider question around whether

952

01:00:51.565 --> 01:00:53.965

or not outlined documents need to be included,

953

01:00:54.125 --> 01:00:57.285

I I think it will be my initial response would be one

954

01:00:57.285 --> 01:01:01.045

of proportionality and, and whether

955

01:01:01.045 --> 01:01:05.845

or not what is proposed within the draft, um,

956

01:01:05.945 --> 01:01:10.285

or outlined sent as it currently stands is, is

957

01:01:11.385 --> 01:01:15.395

sort of not uncommon, um, mitigation measures

958

01:01:15.395 --> 01:01:18.035  
and control measures that that sort

959

01:01:18.035 --> 01:01:20.515  
of the local authority now in this space would, wouldn't,

960

01:01:20.715 --> 01:01:23.715  
wouldn't necessarily be familiar with.

961

01:01:23.935 --> 01:01:28.875  
Um, so there would, it would, would be a case that you could

962

01:01:30.855 --> 01:01:34.465  
propose and, and draft those plans at a point, um,

963

01:01:34.885 --> 01:01:36.825  
and furnish them with, with the, uh,

964

01:01:37.995 --> 01:01:40.885  
with a more detailed version of the, of the,

965

01:01:41.105 --> 01:01:42.565  
the appropriate time for approval.

966

01:01:47.465 --> 01:01:49.405  
I'm, I'm gonna ask Mr.

967

01:01:49.595 --> 01:01:52.965  
Lier in a minute to, to make any observation,

968

01:01:53.225 --> 01:01:57.405  
but I think at the very least, some sort of skeleton

969

01:01:58.025 --> 01:02:00.085  
for the outline pla

970

01:02:00.355 --> 01:02:02.885  
that are not included in the Kemp at the moment would need

971

01:02:02.885 --> 01:02:06.365

to be available because at least that would set the tone for

972

01:02:06.365 --> 01:02:10.165

what the council or any other discharging body involved

973

01:02:10.165 --> 01:02:11.765

with the camp might expect to see

974

01:02:17.775 --> 01:02:17.995

Mr.

975

01:02:18.095 --> 01:02:20.605

Cowing or anybody else who's in the room

976

01:02:20.705 --> 01:02:23.885

for the applicant views on at least generating some

977

01:02:24.045 --> 01:02:29.005

skeleton, um, type, um, outline documents

978

01:02:30.335 --> 01:02:31.565

James drawn for the applicant.

979

01:02:31.865 --> 01:02:35.605

Sir, I, I, I'm understand that that should be possible

980

01:02:43.245 --> 01:02:44.245

This list.

981

01:02:49.335 --> 01:02:54.255

I think it comes back to this dur Yeah, it to be referred.

982

01:02:55.995 --> 01:02:58.695

No, not if a split, If this a split

983

01:03:09.715 --> 01:03:12.295

And in, in terms of, uh, sort of timescale

984

01:03:12.315 --> 01:03:14.735

for producing the skeleton plans,

985

01:03:14.925 --> 01:03:17.735

when might these deadlines have achievable?

986

01:03:19.485 --> 01:03:21.615

Because, uh, we are running out

987

01:03:21.615 --> 01:03:23.135

of time within the examination.

988

01:03:23.605 --> 01:03:27.335

This is something that the council would potentially need

989

01:03:27.335 --> 01:03:29.935

to have, uh, sight of and possibly make comments on.

990

01:03:30.595 --> 01:03:35.255

Um, but also, uh, I keep on referring to other contending,

991

01:03:35.255 --> 01:03:38.375

but we, we might be, um, we'll come onto this in a minute,

992

01:03:39.045 --> 01:03:43.655

needing to think about the Kemp actually being split between

993

01:03:43.685 --> 01:03:48.135

what is a landside version and a marine version.

994

01:03:48.405 --> 01:03:52.415

Because there are elements within, um, the,

995

01:03:52.995 --> 01:03:56.575

the camp at the moment, which the council is being asked

996

01:03:56.595 --> 01:04:00.895

to approve the whole document, um, that are

997

01:04:01.285 --> 01:04:05.055

outside its jurisdiction, some of which are on the,

998

01:04:05.115 --> 01:04:09.135

the marine element are all within the MMOs jurisdiction.

999

01:04:10.195 --> 01:04:14.135

Um, and I'm would ex

1000

01:04:14.195 --> 01:04:16.135

and I think if I remember right, the li the Marine,

1001

01:04:16.395 --> 01:04:19.815

the draft marine license requires some approval

1002

01:04:19.995 --> 01:04:21.175

of ineffective Kemp.

1003

01:04:22.275 --> 01:04:27.095

Um, so it increasingly, it, it's coming

1004

01:04:27.095 --> 01:04:30.015

to the examining authorities' view that actually there needs

1005

01:04:30.015 --> 01:04:31.855

to be a split one that deals

1006

01:04:31.855 --> 01:04:33.695

with landside one that deals with Marine.

1007

01:04:35.565 --> 01:04:38.375

Just say that we're aware of the marine president

1008

01:04:41.565 --> 01:04:42.775

Just before, yeah, go on.

1009

01:04:42.955 --> 01:04:46.615

Uh, Mr. Limmer, have you got any observations on, on that?

1010

01:04:47.255 --> 01:04:50.775

'cause you've no doubt had a look at the outline camp

1011

01:04:50.775 --> 01:04:53.735

and you've had a look at requirement eight, um,

1012  
01:04:54.195 --> 01:04:55.695  
and everything at the moment in terms

1013  
01:04:55.695 --> 01:04:58.615  
of the approval is falling on your council.

1014  
01:04:59.875 --> 01:05:00.895  
Uh, thank you, sir. Yeah, Richard

1015  
01:05:00.895 --> 01:05:02.055  
Limmer from Northeast Links Council.

1016  
01:05:02.325 --> 01:05:05.575  
Yeah, I think firstly we'd welcome sort of the outline, um,

1017  
01:05:06.185 --> 01:05:08.495  
forms of those, uh, plans.

1018  
01:05:09.075 --> 01:05:11.895  
Um, and secondly, I think we would very much prefer it

1019  
01:05:11.995 --> 01:05:14.655  
to be a single document for us that we only deal

1020  
01:05:14.655 --> 01:05:16.815  
with the on land and our jurisdiction.

1021  
01:05:17.265 --> 01:05:20.125  
Uh, I don't think we want to be complicated by, um,

1022  
01:05:20.585 --> 01:05:23.405  
the marine element being included in, in something

1023  
01:05:23.405 --> 01:05:26.165  
that we would approve and then potentially have to enforce.

1024  
01:05:27.015 --> 01:05:28.015  
Thank you.

1025  
01:05:30.575 --> 01:05:32.145

It's particularly the enforcement issue

1026

01:05:32.145 --> 01:05:34.305  
that was raising concerns with me

1027

01:05:34.305 --> 01:05:38.545  
because you don't have jurisdiction, uh, for the applicant.

1028

01:05:42.405 --> 01:05:43.905  
So James drawn for the applicant.

1029

01:05:44.245 --> 01:05:46.825  
Um, I'm instructed that that is

1030

01:05:47.815 --> 01:05:51.425  
something we can do separated into the two

1031

01:05:53.075 --> 01:05:57.065  
forms and, uh, I can't, uh,

1032

01:05:57.075 --> 01:05:58.225  
maybe Mr.

1033

01:05:58.685 --> 01:06:01.385  
Cowing can comment on the timing,

1034

01:06:01.605 --> 01:06:05.385  
but I don't anticipate a difficulty in principle

1035

01:06:05.385 --> 01:06:08.705  
with providing, as you say, the skeletal content of a

1036

01:06:10.115 --> 01:06:11.345  
individual plan.

1037

01:06:11.585 --> 01:06:15.705  
I think in fact the certainly so far as the remediation

1038

01:06:17.105 --> 01:06:19.505  
strategy site, waste management plan

1039

01:06:20.365 --> 01:06:25.045

and drainage strategy, there are already versions

1040

01:06:25.045 --> 01:06:29.245

of those, which I think have been referred to in,

1041

01:06:30.945 --> 01:06:34.765

if I've got the references right, APP oh nine three,

1042

01:06:35.245 --> 01:06:36.445

APP 100.

1043

01:06:39.065 --> 01:06:40.925

And the site work management plan,

1044

01:06:41.045 --> 01:06:43.925

I think was probably in the, um,

1045

01:06:45.035 --> 01:06:48.885

SEMS itself that was previously, it's already

1046

01:06:48.885 --> 01:06:52.245

before the, um, examining authorities,

1047

01:06:52.345 --> 01:06:55.765

but in terms of lifting those into

1048

01:06:56.105 --> 01:06:58.845

or formulating them into skeletal forms, as to the

1049

01:06:59.535 --> 01:07:03.405

topic heads of the em, I don't, uh, uh, subject to what Mr.

1050

01:07:03.405 --> 01:07:04.885

Cowing says about timing,

1051

01:07:05.405 --> 01:07:06.925

I think there's no difficulty in principle,

1052

01:07:09.345 --> 01:07:10.345

Uh, Mr. Yeah.

1053

01:07:10.345 --> 01:07:12.645

Graham planner on behalf of the applicant. Yes.

1054

01:07:12.745 --> 01:07:15.965

Um, we will, we will sort of take that away, uh,

1055

01:07:15.965 --> 01:07:17.245

but we'll endeavor to, uh,

1056

01:07:17.585 --> 01:07:20.845

to provide those skeleton doc documents via deadline seven.

1057

01:07:28.885 --> 01:07:30.385

And Mr. Cowley in terms of,

1058

01:07:31.245 --> 01:07:34.625

in effect producing two separate standalone documents,

1059

01:07:34.645 --> 01:07:37.905

any idea what the timescale for, uh,

1060

01:07:38.785 --> 01:07:41.145

creating two standalone versions might be

1061

01:07:44.005 --> 01:07:45.005

Mr. Cowen on

1062

01:07:45.005 --> 01:07:46.665

behalf and on behalf of the applicant?

1063

01:07:46.765 --> 01:07:50.065

Um, I, I will sort, I request if I could take that away, um,

1064

01:07:50.325 --> 01:07:54.745

and, and just provide a, um, a response maybe by the end

1065

01:07:54.745 --> 01:07:56.145

of today through, uh, through those

1066

01:07:56.145 --> 01:07:58.625  
that are more present in the, in the,

1067

01:07:58.805 --> 01:08:00.905  
in the hearing itself, if that's, uh, yep.

1068

01:08:00.925 --> 01:08:02.305  
If that's permissible, yep.

1069

01:08:05.405 --> 01:08:06.945  
As a, as a general point,

1070

01:08:07.095 --> 01:08:11.665  
because the change request is hopefully being lodged as far

1071

01:08:11.665 --> 01:08:15.365  
as the applicant's concerned next Wednesday, I think, um,

1072

01:08:16.035 --> 01:08:18.205  
that potentially means we are going to have,

1073

01:08:18.505 --> 01:08:21.485  
if we accept the change, make some revisions

1074

01:08:21.585 --> 01:08:25.285  
to the examination timetable to accommodate the ability for

1075

01:08:25.625 --> 01:08:27.525  
to people to comment formally on the changes

1076

01:08:28.465 --> 01:08:30.325  
and allow, um, exchanges.

1077

01:08:31.025 --> 01:08:34.725  
Uh, so it might well be that in respect

1078

01:08:34.725 --> 01:08:38.205  
of this particular issue, again, we will have in mind

1079

01:08:38.505 --> 01:08:41.445

as when we recast the timetable, if that's

1080

01:08:41.445 --> 01:08:44.525

what we find necessary to do that we'll,

1081

01:08:44.525 --> 01:08:47.085

we'll incorporate something that hopefully makes sense

1082

01:08:47.625 --> 01:08:50.245

in terms of having these submitted

1083

01:08:50.505 --> 01:08:54.125

and then enabling parties to have an opportunity

1084

01:08:54.125 --> 01:08:57.885

to comment on them, um, within a,

1085

01:08:58.005 --> 01:08:59.245

a reasonable amount of time.

1086

01:09:01.505 --> 01:09:04.445

Uh, Mr. Owen, you are indicating that you had a comment.

1087

01:09:05.545 --> 01:09:07.445

Uh, thank you sir. Robbie Owen for CODN.

1088

01:09:07.625 --> 01:09:11.845

Um, I, I, I welcome the, um, statement from the applicant

1089

01:09:11.845 --> 01:09:15.525

that they're prepared to, uh, prepare two separate

1090

01:09:16.725 --> 01:09:18.605

construction environmental management plans because

1091

01:09:18.605 --> 01:09:23.165

otherwise the situation certainly rises in theory that, um,

1092

01:09:24.575 --> 01:09:27.805

based on the wording we currently see

1093

01:09:28.395 --> 01:09:29.685

both in schedule two

1094

01:09:29.685 --> 01:09:34.165

and schedule three, that in effect, um,

1095

01:09:37.245 --> 01:09:40.975

because, um, any camp required under Schedule two

1096

01:09:41.115 --> 01:09:43.095

and under schedule three can be

1097

01:09:43.095 --> 01:09:44.255

comprised in the same document.

1098

01:09:44.255 --> 01:09:46.695

That's the current wording. What then happens if under

1099

01:09:46.895 --> 01:09:50.215

schedule two, the camp is approved by the council,

1100

01:09:50.475 --> 01:09:52.695

but under schedule three, the MMO don't approve it.

1101

01:09:52.835 --> 01:09:54.935

Um, so it avoids that sort of issue.

1102

01:09:54.955 --> 01:09:59.735

But my, my question is, um, if that issue goes away,

1103

01:09:59.735 --> 01:10:03.015

which it will do, um, are we contemplating, uh,

1104

01:10:03.015 --> 01:10:06.375

or rather what are we contemplating in terms of the status

1105

01:10:06.675 --> 01:10:08.935

of the skeletons that you've asked for?

1106

01:10:08.935 --> 01:10:12.055

Because at the moment we see the provision both in schedule

1107

01:10:12.075 --> 01:10:16.135

two and schedule three, that, um, any, um,

1108

01:10:16.965 --> 01:10:19.855

Kemp submitted and approved must be in accordance

1109

01:10:19.855 --> 01:10:21.015

with the outline Kemp.

1110

01:10:21.475 --> 01:10:24.855

Um, the question is, are we contemplating

1111

01:10:25.325 --> 01:10:30.255

that wording being, um, augmented to refer as well,

1112

01:10:30.595 --> 01:10:32.775

as well as to the outline, Kemp to the skeletons?

1113

01:10:34.155 --> 01:10:36.455

Or is that a matter that the applicant's gonna consider?

1114

01:10:36.475 --> 01:10:37.475

I'm not entirely sure

1115

01:10:38.395 --> 01:10:40.575

If the applicant doesn't, we certainly will, yes.

1116

01:10:40.835 --> 01:10:44.495

Um, because yeah, there will need to be something, um,

1117

01:10:44.875 --> 01:10:48.735

almost a two tiering in there that, um, as I see it,

1118

01:10:48.985 --> 01:10:52.735

there would be a need to be within broad accordance

1119

01:10:52.805 --> 01:10:56.855

with the Kemp, but in effect, having regard to, um,

1120

01:10:57.075 --> 01:10:59.215  
the individual management plans, um,

1121

01:11:00.935 --> 01:11:03.895  
covering the matters within the skeletons were to

1122

01:11:03.895 --> 01:11:05.935  
that effect, that's quite clumsy.

1123

01:11:05.955 --> 01:11:09.855  
But, uh, I, no doubt amongst us, we will, we will get

1124

01:11:09.855 --> 01:11:12.335  
to a form of words, uh, when the Examin authority goes away

1125

01:11:12.335 --> 01:11:16.965  
and does its bit next week, Mr. Strong, James Strong

1126

01:11:16.965 --> 01:11:17.965  
For the applicant? Yes, sir.

1127

01:11:17.965 --> 01:11:19.485  
We can, we agree

1128

01:11:37.315 --> 01:11:38.375  
Mr. Bradley is going

1129

01:11:38.375 --> 01:11:40.655  
to use his voice on a very limited basis.

1130

01:11:41.285 --> 01:11:44.895  
It's not that bad. Um, it, it, a, it's just a, a, a,

1131

01:11:45.055 --> 01:11:49.175  
a prompt that, uh, the archeological, um, WSI needs

1132

01:11:49.175 --> 01:11:50.935  
to be included in that Marina.

1133

01:12:20.975 --> 01:12:23.255

I would also suggest that both

1134

01:12:24.375 --> 01:12:28.555

and it, it, it particularly for, um, the landside Kemp

1135

01:12:29.345 --> 01:12:34.115

that again, that follows the, the pattern that, um,

1136

01:12:35.965 --> 01:12:38.445

a final document for approval is submitted to the council,

1137

01:12:39.025 --> 01:12:40.165

it does its thing

1138

01:12:40.185 --> 01:12:44.445

and then embedded within the requirement is the, the need

1139

01:12:44.445 --> 01:12:47.645

to actually abide by the approved document.

1140

01:12:49.945 --> 01:12:52.645

Yep. Have, because that then we're gonna come onto some

1141

01:12:52.645 --> 01:12:54.725

implications for requirement 15 in a minute,

1142

01:12:55.865 --> 01:12:58.245

but we're gonna have to stop at requirement 11, I think.

1143

01:12:58.305 --> 01:13:02.925

No. So requirement nine for, but

1144

01:13:02.925 --> 01:13:05.525

before I do that, has anybody got any further comment on the

1145

01:13:05.675 --> 01:13:08.725

Kemp or Kemps ips?

1146

01:13:22.545 --> 01:13:26.045

So if I may rob Owen from CRDN, just one final comment.

1147

01:13:26.305 --> 01:13:28.605

Um, again, it was, uh,

1148

01:13:28.785 --> 01:13:32.805

set out in our deadline six submission rep 6 0 3 6,

1149

01:13:33.585 --> 01:13:36.485

uh, in the Appendix one dealing with the DCO, um,

1150

01:13:36.745 --> 01:13:38.805

at paragraph 1516.

1151

01:13:39.425 --> 01:13:42.965

Um, and, and we, uh, again

1152

01:13:44.475 --> 01:13:48.165

Pointed Out in our view the inappropriateness

1153

01:13:48.165 --> 01:13:50.405

of the addition of a tail piece to the requirement.

1154

01:13:50.905 --> 01:13:55.845

So if I could just draw that submission in paragraph 16

1155

01:13:55.845 --> 01:13:58.125

of appendix one to your attention, please.

1156

01:14:05.465 --> 01:14:08.685

The same, same point arises in Schedule three as well. Yeah,

1157

01:14:09.515 --> 01:14:10.925

Generally on tail pieces,

1158

01:14:11.225 --> 01:14:13.605

we probably will be lopping them.

1159

01:14:14.545 --> 01:14:18.245

Um, that does not mean that once a document's been approved,

1160

01:14:18.385 --> 01:14:21.365

say the Kemp, um, as works progress,

1161

01:14:21.825 --> 01:14:23.685  
the applicant resubmits a Kemp

1162

01:14:24.065 --> 01:14:27.485  
or part of a Kemp to address something that may have arisen

1163

01:14:27.485 --> 01:14:28.485  
during construction.

1164

01:14:29.425 --> 01:14:33.245  
Uh, but it goes through a full approval process either

1165

01:14:33.465 --> 01:14:35.925  
for the entire chem or part of a chem,

1166

01:14:36.425 --> 01:14:39.565  
but it, it means it's, it's done in a formal manner, not,

1167

01:14:39.865 --> 01:14:44.525  
um, piece of paper in a, a brown envelope type approach.

1168

01:15:06.455 --> 01:15:07.945  
Yeah. Mr. Harrison is,

1169

01:15:08.005 --> 01:15:12.345  
is correctly whispering my ear in, in terms of Consultees,

1170

01:15:13.485 --> 01:15:17.305  
um, for the different camp,

1171

01:15:17.565 --> 01:15:20.465  
we probably will need some assistance to make so

1172

01:15:20.465 --> 01:15:22.225  
that it's clear who the,

1173

01:15:22.365 --> 01:15:24.825  
who should be consulted in respect of each one.

1174

01:15:25.245 --> 01:15:29.145

For instance, the, the Marine Kemp, I suppose

1175

01:15:29.305 --> 01:15:31.865

although the council doesn't have jurisdiction over the

1176

01:15:31.865 --> 01:15:36.705

works, you would still want to see, um, at the final stage

1177

01:15:36.765 --> 01:15:40.545

and be consulted on it to ensure there's consistency with

1178

01:15:40.545 --> 01:15:45.225

what, uh, is in it versus what you are seeing, um,

1179

01:15:45.725 --> 01:15:47.065

in the landside version.

1180

01:15:48.045 --> 01:15:50.385

Um, but there may be some other bodies, uh,

1181

01:15:50.385 --> 01:15:53.705

that don't necessarily need to be included for consultation.

1182

01:15:54.335 --> 01:15:55.345

Rail Track, for instance.

1183

01:15:55.925 --> 01:16:00.425

Um, sorry, network rail.

1184

01:16:00.705 --> 01:16:02.945

I, I, I did work not for,

1185

01:16:03.045 --> 01:16:05.465

but concerning Rail Trek many, I mean, it just,

1186

01:16:05.845 --> 01:16:06.905

it will not go away.

1187

01:16:07.525 --> 01:16:11.305

Um, but network rail, for instance, would not need

1188

01:16:11.305 --> 01:16:14.065  
to be a consultee for the Marine one.

1189

01:16:14.125 --> 01:16:19.045  
So, um, but

1190

01:16:19.045 --> 01:16:22.605  
there are issues about, uh, the Harbor

1191

01:16:24.115 --> 01:16:27.445  
authorities as to whether they need to be consulted

1192

01:16:27.665 --> 01:16:29.565  
and which Harbor Authority needs

1193

01:16:29.565 --> 01:16:34.445  
to be consulted on which version or which, which, which Kemp

1194

01:16:40.795 --> 01:16:43.565  
miss any, any observations on behalf of the Harbor master?

1195

01:16:44.265 --> 01:16:47.645  
Um, I mean we, we, we, we presume

1196

01:16:47.645 --> 01:16:48.925  
that you would not wish

1197

01:16:48.985 --> 01:16:52.085  
to be involved in anything in respect to the land side.

1198

01:16:52.585 --> 01:16:55.485  
Yes, but potentially you should be a consultee for

1199

01:16:56.265 --> 01:16:57.405  
the Marine one

1200

01:16:57.595 --> 01:17:00.245  
because at the moment, I don't think, no, you're not listed.

1201

01:17:01.225 --> 01:17:03.605

No. Uh, Victoria Hutton for the Harbor Master, sir,

1202

01:17:03.945 --> 01:17:05.365

can we take that away?

1203

01:17:05.985 --> 01:17:08.965

Um, 'cause it's not something we've been focusing on our,

1204

01:17:09.045 --> 01:17:10.085

our protective provisions, which

1205

01:17:10.085 --> 01:17:11.565

of course would overlap to an extent.

1206

01:17:12.265 --> 01:17:14.525

Um, so can we take that away

1207

01:17:14.525 --> 01:17:15.885

and come back to you whether we need

1208

01:17:15.885 --> 01:17:18.165

to be formally consulted on the camp?

1209

01:17:19.125 --> 01:17:21.125

I mean, that might usefully be something

1210

01:17:21.125 --> 01:17:23.085

that can also be looked at in the note

1211

01:17:23.085 --> 01:17:24.965

that we talked about two days ago.

1212

01:17:24.965 --> 01:17:29.005

Was it now, in terms of which

1213

01:17:29.005 --> 01:17:31.085

of the Harbor authorities is are going to be doing

1214

01:17:31.155 --> 01:17:34.885

what in terms of authorizations, um,

1215

01:17:36.855 --> 01:17:38.725  
under their relevant, under the,

1216

01:17:38.985 --> 01:17:40.645  
the respective bits of the legislation?

1217

01:17:41.505 --> 01:17:46.445  
Um, because there is ally to this, there is a question as

1218

01:17:46.445 --> 01:17:48.845  
to whether or not sta the Har Harbor authority

1219

01:17:48.945 --> 01:17:52.405  
for Immingham, given its statutory role, would need

1220

01:17:52.405 --> 01:17:56.725  
to be a consultee in respect of, um, the Marine Kemp

1221

01:17:56.745 --> 01:17:59.045  
and possibly the Landside Kemp as well.

1222

01:17:59.385 --> 01:17:59.605  
Um,

1223

01:18:10.855 --> 01:18:11.985  
what, what was Mr.

1224

01:18:12.095 --> 01:18:14.785  
Greenwood saying something that needs to be relayed to us or

1225

01:18:14.925 --> 01:18:15.925  
Not?

1226

01:18:16.445 --> 01:18:17.825  
Not necessarily, no, I,

1227

01:18:17.895 --> 01:18:19.345  
I've just James Storm with the applicant.

1228

01:18:19.345 --> 01:18:21.505

I'll just confirm what, we'll, we'll have a look at that,

1229

01:18:22.455 --> 01:18:23.585

that assist.

1230

01:18:25.465 --> 01:18:27.385

I, I think probably what will happen is

1231

01:18:27.385 --> 01:18:32.065

that when we produce our not quite so final, uh,

1232

01:18:32.325 --> 01:18:36.105

set of recommendations for the, um, the order, this

1233

01:18:36.105 --> 01:18:37.785

for instance might be an area that we'll just leave as,

1234

01:18:38.045 --> 01:18:42.025

as a bank box, or we might leave some dots in it, um,

1235

01:18:42.485 --> 01:18:44.785

as an indicator that there may need to be changes

1236

01:18:44.885 --> 01:18:48.905

of personnel or organizations, um, to ensure

1237

01:18:48.905 --> 01:18:51.385

that the right people are being consulted on the right

1238

01:18:51.385 --> 01:18:54.465

version of, of, of the two documents.

1239

01:18:57.055 --> 01:18:58.945

Just a, a, a prompt here that, uh,

1240

01:18:59.195 --> 01:19:02.905

there was a representation that, uh, deadline four

1241

01:19:03.055 --> 01:19:07.825

that you were looking into the correlation of, uh, Ken with,

1242

01:19:07.965 --> 01:19:11.065

uh, uh, w with, um,

1243

01:19:12.885 --> 01:19:13.985

Harbor Works orders.

1244

01:19:14.565 --> 01:19:18.745

Uh, and I think that it's fair to say

1245

01:19:18.745 --> 01:19:20.945

that didn't arrive any of the deadline five

1246

01:19:20.965 --> 01:19:22.585

or deadline six submission.

1247

01:19:22.585 --> 01:19:24.625

So I think could, could we just ask you

1248

01:19:24.625 --> 01:19:27.025

to put that into the mix?

1249

01:19:29.485 --> 01:19:31.385

Yes, James, from the applicant? We will do.

1250

01:19:31.445 --> 01:19:34.145

I'm sorry if we hadn't, uh, provided anything yet.

1251

01:19:39.815 --> 01:19:41.055

Anything else on the Kemp

1252

01:19:41.155 --> 01:19:44.255

before we, we head off onto another requirement?

1253

01:19:47.035 --> 01:19:50.455

Uh, Robbie Aaron from CLDN, um, I have a point,

1254

01:19:50.565 --> 01:19:52.055

it's not specific to the Kemp,

1255

01:19:52.055 --> 01:19:53.375  
but it's arisen in the context

1256

01:19:53.395 --> 01:19:57.095  
of the discussion we've just had about the, the,

1257

01:19:57.175 --> 01:20:01.615  
the various different sort of hats within the applicant and,

1258

01:20:01.755 --> 01:20:06.015  
and how they are to be reflected in the,

1259

01:20:06.875 --> 01:20:07.875  
In the dco. Is that,

1260

01:20:07.875 --> 01:20:08.605  
is that a point we

1261

01:20:08.605 --> 01:20:09.765  
Should raise under AOB?

1262

01:20:09.765 --> 01:20:12.405  
Perhaps, perhaps,

1263

01:20:12.585 --> 01:20:17.205  
or we might get to it another requirement and questions.

1264

01:20:17.465 --> 01:20:19.365  
Um, thank you, sir, but yeah,

1265

01:20:25.695 --> 01:20:26.045  
right.

1266

01:20:26.265 --> 01:20:28.925  
I'd like to have a quick look then at requirement nine,

1267

01:20:28.975 --> 01:20:30.765  
which is surface water drainage

1268

01:20:30.785 --> 01:20:32.645

or a surface water drainage strategy,

1269

01:20:33.255 --> 01:20:35.045

which involves the internal, well, one

1270

01:20:35.045 --> 01:20:36.405

of the internal drainage boards.

1271

01:20:37.585 --> 01:20:40.485

Um, sorry, I'm having to read some pretty scruffy notes

1272

01:20:40.485 --> 01:20:41.045

that I made

1273

01:20:47.515 --> 01:20:49.015

in, in subsection

1274

01:20:49.595 --> 01:20:51.575

or subparagraph one, we,

1275

01:20:51.635 --> 01:20:53.975

we have a slightly strange arrangement

1276

01:20:54.605 --> 01:20:56.775

that the drainage board is being consulted

1277

01:20:56.875 --> 01:20:58.255

and then it's being asked to approve.

1278

01:20:59.275 --> 01:21:02.735

Um, surely the consultation stage is unnecessary.

1279

01:21:03.475 --> 01:21:06.895

It is just going to be presented with something that

1280

01:21:07.455 --> 01:21:10.335

approval, um, should or should not be granted.

1281

01:21:11.235 --> 01:21:16.135

Um, but that seems just slightly unnecessary to incorporate,

1282

01:21:16.315 --> 01:21:19.295

um, a sub stage

1283

01:21:19.295 --> 01:21:21.575

before it's formally doing what it's required to do.

1284

01:21:24.675 --> 01:21:27.345

James tro for the applicant's, uh, yes, we can see that

1285

01:21:28.165 --> 01:21:32.505

as it, it may be that the undertaker chooses to speak

1286

01:21:32.505 --> 01:21:34.945

to the drainage board before, um, with a view,

1287

01:21:35.445 --> 01:21:40.225

but yes, as a requirement for consultation, uh, we agree

1288

01:21:40.615 --> 01:21:42.625

Because actually in this requirement there,

1289

01:21:42.625 --> 01:21:45.585

there's some wording that when I looked at it, I thought

1290

01:21:46.105 --> 01:21:47.945

actually was this originally intended

1291

01:21:48.845 --> 01:21:50.185

as a protective provision

1292

01:21:51.045 --> 01:21:54.265

and it's then found its way as a requirement

1293

01:21:54.265 --> 01:21:56.425

because at the end of subparagraph one,

1294

01:21:56.425 --> 01:22:00.385

we've got such approval not to be unreasonably withheld.

1295

01:22:01.245 --> 01:22:03.785

Um, I would suggest that needs to be struck.

1296

01:22:05.125 --> 01:22:08.625

Um, the drainage boards will either approve

1297

01:22:08.685 --> 01:22:11.665

or it won't, if it doesn't approve,

1298

01:22:12.345 --> 01:22:15.585

If it refuses there's a right of appeal, um,

1299

01:22:15.815 --> 01:22:17.905

through the Secretary State through the,

1300

01:22:17.905 --> 01:22:19.225

the appeal mechanism, um,

1301

01:22:19.375 --> 01:22:21.705

that follows him later on in, in schedule two.

1302

01:22:26.125 --> 01:22:26.825

Mr. Greenman,

1303

01:22:27.395 --> 01:22:28.395

Thank you sir. Brian Greenwood

1304

01:22:28.395 --> 01:22:30.585

for AVP if it assists.

1305

01:22:30.585 --> 01:22:34.265

Uh, we, we are actually still in discussion with the, uh,

1306

01:22:34.265 --> 01:22:36.905

drainage board with the regard to this particular provision,

1307

01:22:37.245 --> 01:22:39.305

uh, correspondence with is with them

1308

01:22:39.485 --> 01:22:42.505

and we are in the position of, um, chasing them.

1309

01:22:43.645 --> 01:22:46.505

Uh, but the points are noted and we'll come back to that

1310

01:22:47.215 --> 01:22:48.545

Because following on,

1311

01:22:48.545 --> 01:22:52.745

and it may feed into that dialogue, um, subparagraph

1312

01:22:53.595 --> 01:22:58.145

three does look like a protective provision type, um,

1313

01:22:58.985 --> 01:23:02.105

situation where, um,

1314

01:23:02.105 --> 01:23:04.585

basically if there's an obstruction you've got then the

1315

01:23:04.585 --> 01:23:06.045

applicant's or the undertakers got

1316

01:23:06.045 --> 01:23:07.445

to do something about it to clear it.

1317

01:23:08.425 --> 01:23:12.365

Um, that seems rather an odd thing to be

1318

01:23:13.165 --> 01:23:14.365

embedded in, in a requirement,

1319

01:23:16.785 --> 01:23:19.325

Sir Brian Greenwood for, uh, associated Bridge Report.

1320

01:23:19.385 --> 01:23:21.285

You're quite right sir, and that is one of the points

1321

01:23:21.285 --> 01:23:24.085

of discussion with the drainage board at this very moment.

1322

01:23:26.705 --> 01:23:28.085

Do you have a handle on

1323

01:23:28.085 --> 01:23:30.885

how long those negotiations might take to get something

1324

01:23:31.925 --> 01:23:34.925

resolved so that we know what the direction travel is?

1325

01:23:36.145 --> 01:23:38.405

Uh, Ryan Greenwood for ABP I've,

1326

01:23:38.405 --> 01:23:41.205

I've just looked back at my client, so, uh, both he

1327

01:23:41.205 --> 01:23:44.645

and I have been trying to get a early response.

1328

01:23:44.715 --> 01:23:46.285

This has been going on for some time.

1329

01:23:46.785 --> 01:23:49.765

Um, as you have now raised a question specifically

1330

01:23:49.765 --> 01:23:52.845

that will assist me in my next letter to the drainage board,

1331

01:23:53.975 --> 01:23:55.845

Would, would it assist you if

1332

01:23:55.945 --> 01:23:57.485

as an action arising outta this hearing,

1333

01:23:58.345 --> 01:24:03.045

we insist on a response, a must response by deadline seven?

1334

01:24:03.475 --> 01:24:04.805

That was certainly sir.

1335

01:24:06.505 --> 01:24:09.365

Uh, the word must goes in capitals in bold. Yes.

1336

01:24:53.095 --> 01:24:55.035

The next requirement I had, um,

1337

01:24:55.255 --> 01:24:59.155

for consideration is requirement 11, which, well,

1338

01:24:59.155 --> 01:25:01.475

it's titled Environmental Enhancement,

1339

01:25:02.895 --> 01:25:06.355

but it's all about the woodland, um, management.

1340

01:25:07.675 --> 01:25:09.475

I think it probably needs to be retitled

1341

01:25:10.385 --> 01:25:11.475

just to deal with Woodland.

1342

01:25:20.235 --> 01:25:25.055

Um, and probably it, it,

1343

01:25:25.195 --> 01:25:29.295

it can be simplified in that a final version of the wemp

1344

01:25:29.835 --> 01:25:32.255

is submitted to the council for approval

1345

01:25:33.515 --> 01:25:36.855

and, um, it is then implemented in accordance

1346

01:25:36.855 --> 01:25:38.855

with the details approved by the council.

1347

01:25:43.315 --> 01:25:45.455

Oh, and somewhere in there that, um, needs

1348

01:25:45.455 --> 01:25:47.095

to be submitted in writing and approved.

1349

01:25:47.915 --> 01:25:51.455

Um, I'm getting nods. I can see from Mr.

1350

01:25:51.455 --> 01:25:53.375

Limmer in terms of general support for

1351

01:25:53.375 --> 01:25:56.015

that approach. Mr. Lier?

1352

01:25:56.635 --> 01:25:57.735

Uh, yes. Thank you sir. Richard

1353

01:25:57.735 --> 01:25:58.975

Limmer from Northeast Links Council.

1354

01:25:59.005 --> 01:26:00.535

Yeah, I would agree with that approach.

1355

01:26:00.595 --> 01:26:04.565

It might also be useful if that specifies, um, timing

1356

01:26:04.705 --> 01:26:07.565

for actually doing it so that it's very clear that they have

1357

01:26:07.565 --> 01:26:09.205

to provide a, a timing for the planting.

1358

01:26:09.895 --> 01:26:10.895

Thank you

1359

01:26:27.125 --> 01:26:30.425

Mr. Strong J James TR0 for the applicant.

1360

01:26:30.485 --> 01:26:34.705

The, the timing provision relates to, um, prior

1361

01:26:34.865 --> 01:26:36.745

to operation of the development

1362

01:26:36.965 --> 01:26:39.865

and I hope that provides sufficient clarity.

1363

01:26:41.145 --> 01:26:42.265

I, I think the point that Mr.

1364

01:26:42.285 --> 01:26:46.945

Limmer might have been is in amongst the details there needs

1365

01:26:46.945 --> 01:26:48.585

to be an effective planting schedule

1366

01:26:48.685 --> 01:26:50.265

or work schedule, so it makes it clear

1367

01:26:51.015 --> 01:26:52.145

what happens on the ground.

1368

01:26:57.955 --> 01:26:59.825

Thank you, sir. Yes, that wa that was my intention.

1369

01:26:59.875 --> 01:27:00.875

Thank you.

1370

01:27:04.545 --> 01:27:07.065

Anything further from the applicant on requirement 11?

1371

01:27:08.205 --> 01:27:10.665

Uh, Brian Greenwell for ABP sir, we'll, uh,

1372

01:27:10.665 --> 01:27:14.265

discuss precisely the, uh, requirements, uh,

1373

01:27:14.285 --> 01:27:15.305

of the council with Mr.

1374

01:27:15.325 --> 01:27:16.465

Limmer before he leaves

1375

01:27:17.195 --> 01:27:18.195

Today.

1376

01:27:50.145 --> 01:27:53.885

And then looking at requirement 15, which is construction

1377

01:27:53.885 --> 01:27:57.925

and operational plans, if changes are made to

1378

01:27:58.645 --> 01:28:03.285

a number of the, um, requirements that proceed, um,

1379

01:28:04.155 --> 01:28:06.685

this requirement, construction environment management plan,

1380

01:28:06.815 --> 01:28:11.205

which becomes fully, um, self-contained, IE

1381

01:28:11.825 --> 01:28:14.805

get approvals implement in accordance with approvals.

1382

01:28:16.425 --> 01:28:19.965

No need to refer to Kemp in this requirement.

1383

01:28:21.075 --> 01:28:23.845

Similarly, uh, no need to refer

1384

01:28:23.905 --> 01:28:26.645

to the Woodland Enhancement Management Plan

1385

01:28:27.405 --> 01:28:30.765

'cause that will all be self-contained, um,

1386

01:28:34.425 --> 01:28:36.705

drainage strategy I think is dealt with elsewhere.

1387

01:28:38.005 --> 01:28:40.705

So that in effect then I think just leaves

1388

01:28:43.095 --> 01:28:44.945

item D, the flood risk assessment

1389

01:28:45.285 --> 01:28:48.745

as being the only operative thing that needs to be covered

1390  
01:28:48.845 --> 01:28:51.665  
by this requirement, which then potentially means

1391  
01:28:51.665 --> 01:28:56.225  
that this requirement becomes a flood risk requirement.

1392  
01:28:56.525 --> 01:29:00.225  
Um, and isn't, um, as currently titled,

1393  
01:29:03.545 --> 01:29:06.445  
any observations on that from the applicant first

1394  
01:29:07.415 --> 01:29:09.445  
James for the, sorry, excuse me.

1395  
01:29:09.445 --> 01:29:11.085  
James Strong for the applicant? Yes sir.

1396  
01:29:11.145 --> 01:29:15.005  
We agree with that analysis, the, as you've identified,

1397  
01:29:24.125 --> 01:29:26.215  
Well we all need to stretch our legs for a little while,

1398  
01:29:26.315 --> 01:29:30.295  
so, um,

1399  
01:29:31.295 --> 01:29:33.335  
I think we'll just finish off requirement 15.

1400  
01:29:33.395 --> 01:29:35.215  
We will then take a break

1401  
01:29:35.415 --> 01:29:36.895  
'cause we, we've been going for an hour and a half.

1402  
01:29:37.675 --> 01:29:41.575  
Um, and that would be a convenient stopping point.

1403  
01:29:42.475 --> 01:29:44.335

And, uh, so James TR0 for the applicant,

1404

01:29:44.455 --> 01:29:45.815

I think I was mid-sentence,

1405

01:29:45.875 --> 01:29:48.815

but uh, it wasn't going to be much more of a sentence

1406

01:29:48.815 --> 01:29:52.495

because we were expressing agreement with your analysis

1407

01:29:53.045 --> 01:29:56.575

once one had modified the other requirements in the way

1408

01:29:56.575 --> 01:29:57.855

that you had suggested.

1409

01:29:58.195 --> 01:30:01.415

Indeed, it does become limited to, uh,

1410

01:30:01.435 --> 01:30:02.615

the flood risk assessment

1411

01:30:02.715 --> 01:30:04.455

and would need retitling to that effect.

1412

01:30:08.015 --> 01:30:09.615

Anything from the council in that respect?

1413

01:30:10.035 --> 01:30:12.135

It, it, it seems to make sense, but

1414

01:30:12.675 --> 01:30:13.815

unless you've spotted anything

1415

01:30:13.815 --> 01:30:15.415

that doesn't make sense doing it that way.

1416

01:30:16.515 --> 01:30:17.855

Uh, thank you sir. Richard Liman,

1417  
01:30:17.855 --> 01:30:18.975  
Northeast Links Council will know that,

1418  
01:30:18.975 --> 01:30:20.015  
that makes sense to me as well.

1419  
01:30:20.015 --> 01:30:21.375  
Thank you. And anything from any

1420  
01:30:21.375 --> 01:30:22.775  
of the other ips in that regard?

1421  
01:30:25.035 --> 01:30:26.175  
Not seeing anything. Okay.

1422  
01:30:34.125 --> 01:30:37.665  
Um, I think that then does bring us to a convenient time

1423  
01:30:37.765 --> 01:30:42.545  
for an adjournment around if, if we say resume at, uh,

1424  
01:30:42.685 --> 01:30:45.345  
10 to 12, which is just shy of 20 minutes.

1425  
01:30:45.525 --> 01:30:49.425  
Is, is that agreeable? Okay.

1426  
01:30:49.495 --> 01:30:52.385  
Hearing is therefore adjourned until 10 to 12. Thank you.