

0

00:00:00.965 --> 00:00:03.735

Well, it, it, it is 10 past four.

1

00:00:07.515 --> 00:00:12.495

Mr. Minich. Is, is Mr. Alvin joining us or, um,

2

00:00:13.155 --> 00:00:14.155

Sir. Good afternoon. Alex

3

00:00:14.155 --> 00:00:15.735

man Hannick for IOT.

4

00:00:15.915 --> 00:00:18.255

Um, yes, he is, I think he's been detained

5

00:00:18.255 --> 00:00:19.775

for a few minutes, but we can start

6

00:00:19.775 --> 00:00:20.775

Without, are. Sure, yeah.

7

00:00:20.775 --> 00:00:20.975

8

00:00:26.475 --> 00:00:28.255

We are taking things slightly outta sequence.

9

00:00:28.255 --> 00:00:30.975

We'll, we'll carry on with protective provisions, albeit,

10

00:00:31.055 --> 00:00:32.855

I think we're not gonna be saying an awful lot.

11

00:00:33.315 --> 00:00:35.295

And then we'll come back to the marine license.

12

00:00:35.435 --> 00:00:39.095

But what that will mean is, uh, the ips

13

00:00:39.095 --> 00:00:43.215

who may not have particular interest in the MMO, uh, sorry,

14

00:00:43.275 --> 00:00:45.735

the draft marine license, if you wish to

15

00:00:46.345 --> 00:00:50.615

leave once your slot has been gone, by all means do so.

16

00:00:50.995 --> 00:00:53.095

We will not take any offense, and I'm sure nobody else will

17

00:01:00.475 --> 00:01:01.855

if that's going to pan out.

18

00:01:01.945 --> 00:01:04.935

We'll, again, on the, um, actions arising,

19

00:01:05.215 --> 00:01:06.215

albeit I don't think we've got an

20

00:01:06.215 --> 00:01:07.335

awful lot from this session.

21

00:01:08.435 --> 00:01:09.975

Um, we're gonna suggest again

22

00:01:09.975 --> 00:01:12.295

that the applicant circulates the list goes round

23

00:01:12.315 --> 00:01:13.695

and everybody can comment

24

00:01:13.755 --> 00:01:17.255

and then we'll issue once we've got the comments back.

25

00:01:30.795 --> 00:01:34.775

Um, so turning to the protective provisions sought

26

00:01:34.775 --> 00:01:38.855

by DFDS, um, we've received a bit of an update,

27

00:01:39.395 --> 00:01:41.095

um, before the break.

28

00:01:42.155 --> 00:01:45.895

Um, really the way that my questioning was going to go here,

29

00:01:46.355 --> 00:01:51.095

um, for this session anyway, was along the lines of what was

30

00:01:51.795 --> 00:01:55.575

agreed, what might be agreed was everything

31

00:01:55.575 --> 00:01:59.015

that DFDS was seeking not accepted.

32

00:01:59.635 --> 00:02:03.935

Um, and then really I was gonna be asking in the instances

33

00:02:03.935 --> 00:02:06.935

where things were not accepted for the applicant

34

00:02:06.935 --> 00:02:10.655

to provide an explanation, then D-D-F-D-S could, um,

35

00:02:10.885 --> 00:02:12.055

perhaps respond.

36

00:02:12.955 --> 00:02:14.175

Um, it,

37

00:02:14.275 --> 00:02:18.015

it does sound like there is dialogue ongoing.

38

00:02:18.145 --> 00:02:21.015

There are some protective provisions at least

39

00:02:21.595 --> 00:02:22.895

to be offered by the applicant.

40

00:02:24.595 --> 00:02:25.855

Thanks, sir. Brian Greenwood

41

00:02:25.855 --> 00:02:27.135

for Associated British reports?

42

00:02:27.515 --> 00:02:30.335

Yes, sir. It, to start on a positive note, the,

43

00:02:30.395 --> 00:02:33.015

the initial response to DFDS was

44

00:02:33.015 --> 00:02:35.655

that we didn't think a protective provision was necessary,

45

00:02:36.395 --> 00:02:38.575

so we have moved a great deal closer.

46

00:02:39.115 --> 00:02:41.895

Uh, Mr. Walker, very kindly, uh,

47

00:02:42.335 --> 00:02:44.215

provided, uh, some draft protective provisions.

48

00:02:44.405 --> 00:02:46.215

They, they have been amended.

49

00:02:46.515 --> 00:02:50.575

Uh, Mr. Walker probably hasn't really had time to consider

50

00:02:51.165 --> 00:02:53.535

what I have proposed in detail, rather

51

00:02:53.535 --> 00:02:55.535

what the client has proposed in detail.

52

00:02:56.275 --> 00:03:00.405

Um, but I would hope actually that we are not too far apart.

53

00:03:02.095 --> 00:03:06.055

I dunno if Mr. Walker, even on a quick scan, given

54

00:03:06.405 --> 00:03:09.135

What quick scan, I think Fully understand that you're,

55

00:03:09.135 --> 00:03:11.495

you're on the back foot, um,

56

00:03:13.435 --> 00:03:15.295

but do things generally looking

57

00:03:15.795 --> 00:03:19.695

as if they might be moving in the right direction and,

58

00:03:19.995 --> 00:03:21.975

and you need not commit too much further than that

59

00:03:21.975 --> 00:03:23.295

because you may not feel able to

60

00:03:24.585 --> 00:03:26.015

Angus Walker for DFTS.

61

00:03:26.475 --> 00:03:29.895

Um, the applicant has agreed to some parts

62

00:03:29.895 --> 00:03:31.095

of our protective provisions,

63

00:03:31.095 --> 00:03:32.775

but there are some important ones they haven't

64

00:03:32.775 --> 00:03:33.935

agreed, agreed to.

65

00:03:34.115 --> 00:03:37.535

So we may end up with

66

00:03:38.835 --> 00:03:40.335

an element of agreed ones,

67

00:03:40.335 --> 00:03:43.695

and then you have to decide between the Reed bits,

68

00:04:16.225 --> 00:04:18.555

That leaves us as the examiner put in a

69

00:04:19.115 --> 00:04:20.875

slightly tricky position in terms of

70

00:04:20.875 --> 00:04:22.995

what we might be needing to do next week.

71

00:04:24.335 --> 00:04:29.075

Um, Mr. Walker, do you have any sort

72

00:04:29.075 --> 00:04:31.315

of idea how quickly you'll be able

73

00:04:31.315 --> 00:04:32.115

to get at least some

74

00:04:32.115 --> 00:04:34.235

preliminary comments back to the applicant

75

00:04:37.405 --> 00:04:39.435

While Angus Walker for the FTS?

76

00:04:39.435 --> 00:04:42.915

Well, I, I'm pretty sure I won't get anything tomorrow,

77

00:04:43.175 --> 00:04:45.435

but early next week we will try

78

00:04:45.435 --> 00:04:48.675

and get something back to the applicant, sir,

79

00:04:49.585 --> 00:04:52.795

Presuming everything's traveling in terms

80

00:04:52.795 --> 00:04:55.315

of the actual protect in the Word form document.

81

00:04:55.495 --> 00:05:00.315

So at least, uh, at some stage, perhaps by the middle

82

00:05:00.315 --> 00:05:02.435

of the week, something at least could come

83

00:05:03.015 --> 00:05:06.035

as an additional submission to the inspector so that

84

00:05:06.765 --> 00:05:10.315

we've got an idea of what might be in them, um,

85

00:05:10.865 --> 00:05:13.675

with potential markers as to what is agreed,

86

00:05:13.675 --> 00:05:14.715

what's not agreed.

87

00:05:15.735 --> 00:05:19.875

And we can then potentially, perhaps not do too much

88

00:05:20.065 --> 00:05:23.115

with them in, um, what we'll be doing

89

00:05:23.785 --> 00:05:25.235

with the DCO next week,

90

00:05:25.295 --> 00:05:28.755

but at least there might be some questions that we can then

91

00:05:29.275 --> 00:05:33.675

pose of the parties if necessary, um, to,

92

00:05:33.855 --> 00:05:38.235

to at least get some direction when you respond to

93

00:05:39.055 --> 00:05:40.955

our commentary on the DCO. Um,

94

00:05:41.575 --> 00:05:44.155

Sir, does that suggest Angus Walker DFDS

95

00:05:44.155 --> 00:05:46.235

that you would like to receive?

96

00:05:48.185 --> 00:05:51.715

What? Um, well, either what the applicant has just sent us

97

00:05:52.095 --> 00:05:55.675

or what we then send back as before Deadline seven,

98

00:05:56.155 --> 00:05:58.165

I I, I think we've probably gotta sit,

99

00:05:58.195 --> 00:06:00.845

have both sets in word form,

100

00:06:00.865 --> 00:06:05.845

so at least we've got both sets, um, which puts us

101

00:06:06.505 --> 00:06:07.525

in a, well, we have

102

00:06:07.625 --> 00:06:10.565

of course got yours in a hard copy form anyway,

103

00:06:10.565 --> 00:06:11.725

but it would be useful to have it in an

104

00:06:11.725 --> 00:06:13.045

electronic form. Yes.

105

00:06:13.045 --> 00:06:14.045

So we'll do that.

106

00:06:15.125 --> 00:06:17.045

I no doubt the applicant can sort that out,

107

00:06:17.945 --> 00:06:19.485

um, early next week.

108

00:06:20.705 --> 00:06:23.445

Um, so at least we've got both sets,

109

00:06:23.505 --> 00:06:27.045

but if there is any commentary that that goes between the,

110

00:06:27.145 --> 00:06:30.405

the parties, if, if, if it is at all possible to get it in

111

00:06:30.665 --> 00:06:32.525

during the sort of first half

112

00:06:32.525 --> 00:06:34.405

of next week, all well and good.

113

00:06:34.405 --> 00:06:38.005

Otherwise, we will just have to deal with what's in front

114

00:06:38.005 --> 00:06:39.165

of us at that stage.

115

00:06:39.305 --> 00:06:42.485

But we might reserve the position in terms of, um,

116

00:06:42.615 --> 00:06:45.205

being able to do too much, but we might pose some questions.

117

00:06:47.195 --> 00:06:49.205

Does, does that seem reasonable as a way

118

00:06:49.305 --> 00:06:51.325

to at least try and get things moving? Yes.

119

00:06:51.465 --> 00:06:52.125

Uh, thank you.

120

00:06:59.595 --> 00:07:02.085

Then if we move on to CLDN,

121

00:07:03.305 --> 00:07:07.725

um, Mr. Greenwood.

122

00:07:07.895 --> 00:07:09.645

Thank you, sir. Uh, Brian Greenwood

123

00:07:09.705 --> 00:07:10.925

for, uh, the applicant.

124

00:07:11.385 --> 00:07:15.845

Uh, Sir, I, I, I'm more than happy to explain,

125

00:07:16.505 --> 00:07:20.525

uh, to you, uh, what we are proposing to send to Mr. Owen.

126

00:07:20.825 --> 00:07:23.205

Mr. Owen will find it rather difficult to reply him

127

00:07:23.425 --> 00:07:24.885

as he hasn't seen it yet.

128

00:07:25.385 --> 00:07:29.205

But, uh, in summary, sir, again, uh, we did initially,

129

00:07:29.505 --> 00:07:30.885

uh, respond to Mr.

130

00:07:31.305 --> 00:07:33.405

0in to CLDN on the basis

131

00:07:33.515 --> 00:07:35.565

that we did not think the protective

132

00:07:35.565 --> 00:07:36.725

provisions were necessary.

133

00:07:37.305 --> 00:07:40.045

Um, there has been a certain amount of toing

134

00:07:40.045 --> 00:07:41.645

and froing of correspondence

135

00:07:41.665 --> 00:07:43.965

and my client has agreed to, uh,

136

00:07:45.175 --> 00:07:49.245

offer some protective provisions to C-L-D-N-C-L-D-N.

137

00:07:49.245 --> 00:07:50.765

Mr. Oing very kindly

138

00:07:51.045 --> 00:07:54.685

provided a draft set, uh, and Mr.

139

00:07:54.885 --> 00:07:57.765

O will be happy to hear that we have accepted some of his,

140

00:07:57.985 --> 00:08:02.805

uh, proposals, which go to, uh, ensuring

141

00:08:03.035 --> 00:08:06.005

that, uh, their business is not interrupted

142

00:08:06.005 --> 00:08:10.485

during the construction, uh, of the, uh, development.

143

00:08:11.025 --> 00:08:15.085

Uh, they're also worried about, uh, uh, difficulties

144

00:08:15.085 --> 00:08:17.565

with regard to their deposit grounds.

145

00:08:17.665 --> 00:08:20.405

Uh, and we've, we've agreed that there,

146

00:08:20.405 --> 00:08:22.965

there are three provisions, uh, for Mr.

147

00:08:23.025 --> 00:08:25.845

Owen's information in advance that we have not accepted.

148

00:08:26.025 --> 00:08:29.245

Two, relate to, uh, a requirement

149

00:08:29.345 --> 00:08:33.445

or request that AVP the applicant, um,

150

00:08:33.655 --> 00:08:37.765

gives an undertaking as to non interference with

151

00:08:37.955 --> 00:08:41.685

through vessels CLDN vessels going to the Port of Kin home.

152

00:08:42.025 --> 00:08:45.085

Uh, we of course cannot do that as the applicant that falls

153

00:08:45.185 --> 00:08:47.965

to the Humber Harbor master who's now left us.

154

00:08:48.505 --> 00:08:51.085

Uh, so, so we have no control over that.

155

00:08:51.305 --> 00:08:52.565

So we've deleted that.

156

00:08:53.225 --> 00:08:57.805

Uh, Mr. Owen also asked for a provision regarding, um,

157

00:08:58.385 --> 00:09:03.325

an undertaking as to, uh, use of railway lines, uh,

158

00:09:03.325 --> 00:09:07.645

that their use of the, uh, railway line, uh, would not, uh,

159

00:09:07.865 --> 00:09:10.125

be obstructed by our operation.

160

00:09:10.695 --> 00:09:13.925

We've not accepted that's, uh, for reasons

161

00:09:13.955 --> 00:09:17.765

that were discussed in an earlier, uh, hearing session in

162

00:09:17.765 --> 00:09:20.965

that we are not putting anything onto the railway line

163

00:09:21.065 --> 00:09:24.805

and indeed the railway line that, uh, uh,

164

00:09:25.045 --> 00:09:27.645

CLDN use is in fact on the other side

165

00:09:27.645 --> 00:09:29.405

of the port away from our development site.

166

00:09:29.405 --> 00:09:31.685

So we don't think it would be either

167

00:09:31.795 --> 00:09:33.245

appropriate or relevant.

168

00:09:33.505 --> 00:09:36.045

And as I say, sir, there's just a little tidying up

169

00:09:36.475 --> 00:09:38.685

that we need to do on our, our part

170

00:09:39.095 --> 00:09:42.005

where upon I will hopefully be sending the

171

00:09:42.005 --> 00:09:43.165

amended draft to Mr.

172

00:09:43.525 --> 00:09:45.725

Owing either this evening or first thing tomorrow morning.

173

00:09:53.295 --> 00:09:55.965

Thank you, Mr. Greenman. Mr. Owen,

174

00:09:55.965 --> 00:09:57.445

as you indicated earlier, you,

175

00:09:57.705 --> 00:09:59.965  
you probably can't add very much.

176

00:10:00.625 --> 00:10:02.965  
Um, and we, we are not expecting you to,

177

00:10:03.905 --> 00:10:06.445  
unless you, you feel there are some points you wanna raise.

178

00:10:08.345 --> 00:10:10.605  
Robbie Owen, CRDN? Um, just a few, sir.

179

00:10:10.605 --> 00:10:15.365  
If I may, I mean, I, I, um, grateful to Mr.

180

00:10:15.365 --> 00:10:16.445  
Greenman for what he said

181

00:10:16.465 --> 00:10:19.005  
and obviously wait to see what, uh, is then sent through.

182

00:10:19.225 --> 00:10:21.885  
Um, I mean, I, I remind you that we,

183

00:10:22.635 --> 00:10:25.045  
last time we were sitting in this room

184

00:10:26.115 --> 00:10:30.405  
that issue specific hearing for, um, the applicant said

185

00:10:30.405 --> 00:10:34.365  
that they had rejected the entirety of the proposals that,

186

00:10:34.465 --> 00:10:37.885  
uh, CRDN had by then put forward for protected provisions.

187

00:10:37.945 --> 00:10:41.405  
And therefore we set out, uh, in my letter to Mr.

188

00:10:41.405 --> 00:10:44.085

Greenwood or the 9th of October, which was appended to our

189

00:10:45.005 --> 00:10:49.405

deadline for response, a very full reasoning as to, um,

190

00:10:49.665 --> 00:10:51.565

why we felt PPSs were necessary.

191

00:10:51.565 --> 00:10:55.125

And, and it's important just to, uh, mention that, uh,

192

00:10:55.155 --> 00:10:57.525

it's not just to protect the CLDN business.

193

00:10:57.845 --> 00:11:00.565

CLDN is a statutory undertaker, uh,

194

00:11:00.585 --> 00:11:01.925

as we explained in the letter.

195

00:11:02.145 --> 00:11:04.045

And, uh, appendix one

196

00:11:04.505 --> 00:11:09.445

and that, uh, is, um, one of the main justifications

197

00:11:09.585 --> 00:11:11.245

for the protective provisions we seek.

198

00:11:11.945 --> 00:11:15.285

Um, because we have an interest in making sure that the

199

00:11:16.345 --> 00:11:19.605

SAT Harbor facilities at killing home, uh, remain open

200

00:11:19.745 --> 00:11:22.765

and available for use, um, not just by CLDN,

201

00:11:22.765 --> 00:11:25.565

but by others, including of course, currently stainer.

202

00:11:25.905 --> 00:11:29.365

And therefore, approaches to the, to our,

203

00:11:29.365 --> 00:11:33.485

to our port are very much of legitimate concern

204

00:11:33.665 --> 00:11:36.765

to CRDN as part of its statutory undertaking.

205

00:11:36.865 --> 00:11:41.285

And, and therefore, um, I I,

206

00:11:41.445 --> 00:11:43.885

I don't immediately understand what Mr. Green was,

207

00:11:43.945 --> 00:11:46.525

was saying about why it's not in the gift of the applicant,

208

00:11:46.585 --> 00:11:50.765

but it's in the gift of, uh, in effect another part

209

00:11:50.765 --> 00:11:53.925

of the applicant, uh, not to agree to, uh,

210

00:11:53.985 --> 00:11:55.085

no inter interference

211

00:11:55.085 --> 00:11:56.925

because I, I believe that's exactly

212

00:11:56.925 --> 00:12:00.285

what was agreed in the able, uh, protective provision.

213

00:12:00.285 --> 00:12:04.565

So it was agreed then, um, by the, um, uh, app,

214

00:12:05.025 --> 00:12:06.445

uh, in that respect.

215

00:12:06.445 --> 00:12:09.045

And therefore, uh,

216

00:12:09.105 --> 00:12:13.525

and I also explained at appendix, uh, in,

217

00:12:13.665 --> 00:12:16.245

in the letter of Appendix two to our rep for submissions,

218

00:12:16.425 --> 00:12:18.685

why actually we were concerned about railway matters.

219

00:12:19.025 --> 00:12:22.045

And even though we of course, fully appreciate that

220

00:12:22.795 --> 00:12:25.325

this application does not propose railway works,

221

00:12:25.945 --> 00:12:29.485

we explained our concern about the, uh, application

222

00:12:29.485 --> 00:12:31.205

of permitted development rights in the future

223

00:12:31.305 --> 00:12:32.485

and the effect they could have.

224

00:12:32.585 --> 00:12:36.645

So, um, a again, we will wait to see, uh, what,

225

00:12:36.785 --> 00:12:37.885

um, Mr.

226

00:12:37.885 --> 00:12:41.485

Greenwood, um, says in his letter, um, and,

227

00:12:41.485 --> 00:12:44.285

and a final matter which, um, I,

228

00:12:44.365 --> 00:12:46.125

I appreciate we can't have a response on today

229

00:12:46.125 --> 00:12:49.605

because the, uh, Harbor Master Humber is no longer here,

230

00:12:49.665 --> 00:12:52.365

but, uh, it, it, going back to schedule four

231

00:12:52.365 --> 00:12:57.085

and the protective provisions for the, um, SCNA, um,

232

00:12:57.665 --> 00:12:58.965

it, it's interesting, isn't it,

233

00:12:58.965 --> 00:13:01.885

that we have in paragraph three, that's the approval

234

00:13:01.885 --> 00:13:02.925

of Title Works provision.

235

00:13:02.925 --> 00:13:05.405

We were looking at before the adjournment, the provision

236

00:13:05.405 --> 00:13:08.845

before making a decision on an application for approval

237

00:13:08.865 --> 00:13:12.045

of plans to consult the Environment Agency.

238

00:13:12.045 --> 00:13:15.365

And that might now be augmented to refer to the M0 two.

239

00:13:15.505 --> 00:13:17.965

So those are both bodies with statutory functions

240

00:13:17.965 --> 00:13:19.005

that are gonna be consulted,

241

00:13:19.065 --> 00:13:22.645

but there's no suggestion that CLDN, which is a body

242

00:13:22.645 --> 00:13:25.645

with statutory functions, should, should be consulted by,

243

00:13:26.025 --> 00:13:27.085

um, SCNA

244

00:13:27.085 --> 00:13:30.645

before, uh, an application is submitted by the applicant

245

00:13:30.645 --> 00:13:34.005

for approval under SCNA protective provision.

246

00:13:34.005 --> 00:13:35.045

So I just make that point

247

00:13:35.045 --> 00:13:37.325

because this is something that, um,

248

00:13:38.025 --> 00:13:41.605

we feel the applicant is mischaracterizing our motivation

249

00:13:41.605 --> 00:13:42.885

and our, our position here,

250

00:13:43.505 --> 00:13:44.925

and that's why we believe

251

00:13:44.925 --> 00:13:46.285

protective provisions are, are needed.

252

00:13:46.425 --> 00:13:49.045

So that's all I can usefully say,

253

00:13:49.465 --> 00:13:52.485

and we will obviously respond to Mr.

254

00:13:52.485 --> 00:13:55.245

Greenwood's letter as soon as we are able to.

255

00:13:55.425 --> 00:13:58.125

Um, I, I'm not able, I don't believe today

256

00:13:58.185 --> 00:14:00.405

to give an indication of timescale for that, given

257

00:14:00.405 --> 00:14:01.885

that we don't know when the letter's gonna arrive,

258

00:14:04.865 --> 00:14:08.205

and these things obviously need to be properly considered.

259

00:14:08.225 --> 00:14:12.005

And it's been quite some weeks since we did submit our

260

00:14:12.165 --> 00:14:13.205

proposals at deadline for.

261

00:14:13.375 --> 00:14:14.375

Thank you.

262

00:14:15.215 --> 00:14:18.405

Thank you, Mr. O. Um, as with DFS,

263

00:14:18.425 --> 00:14:22.565

it would be helpful if you can arrange for the word version

264

00:14:22.905 --> 00:14:26.485

of your client's suggested original protective

265

00:14:26.485 --> 00:14:27.725

provisions to be sent through.

266

00:14:28.065 --> 00:14:30.565

And similarly, we'd ask for the applicant, uh,

267

00:14:31.035 --> 00:14:32.205

send inspector

268

00:14:32.975 --> 00:14:37.805

after you've sent to Mr. Owen, um, the word version of what,

269

00:14:37.805 --> 00:14:40.405

what you are now proposing to put to cl d,

270

00:14:41.635 --> 00:14:42.635

Robo and cd. Certainly,

271

00:14:42.635 --> 00:14:45.045

sir, we've, we've, um, arranged for that

272

00:14:45.065 --> 00:14:47.245

to be checked in terms of formatting,

273

00:14:47.245 --> 00:14:49.445

and that was done today so that when we send that through

274

00:14:49.445 --> 00:14:50.725

to you, it'll be, um,

275

00:14:51.265 --> 00:14:53.805

it won't have any hidden gremlins in hopefully

276

00:14:53.805 --> 00:14:56.125

that would mess up whatever it is

277

00:14:56.125 --> 00:14:57.245

that you'll be producing next week.

278

00:14:58.215 --> 00:14:58.645

Thank you.

279

00:15:07.155 --> 00:15:11.885

Turning to IOT, is there anything useful

280

00:15:11.885 --> 00:15:14.005

that could be said in this forum this afternoon?

281

00:15:15.545 --> 00:15:19.165

Not much. Um, we sent through

282

00:15:20.025 --> 00:15:23.045

our response to the original protective provisions in REP

283

00:15:23.185 --> 00:15:26.005

1 0 3 9, we have still yet

284

00:15:26.145 --> 00:15:28.605

to get a response to that draft.

285

00:15:29.435 --> 00:15:31.565

That draft was referred to in the letter

286

00:15:31.565 --> 00:15:35.165

of the 28th of September, where the parties agreed

287

00:15:35.235 --> 00:15:37.845

that there would be modifications

288

00:15:37.945 --> 00:15:40.965

to the protective provisions, admittedly in the light of,

289

00:15:41.585 --> 00:15:44.685

uh, agreement that was reached in due course as to

290

00:15:44.685 --> 00:15:45.725

what those provisions should be,

291

00:15:45.785 --> 00:15:48.405

but there would be modifications, uh,

292

00:15:48.405 --> 00:15:51.725

substantially in accordance with rep 1 0 3 9,

293

00:15:52.345 --> 00:15:55.885

the latest version of the DC0, which is all we've had

294

00:15:56.835 --> 00:15:58.885

adds one word, which is,

295

00:15:59.065 --> 00:16:02.285

and, um, we've had no feedback,

296

00:16:03.035 --> 00:16:05.845

nothing since we submitted our original

297

00:16:07.045 --> 00:16:08.485  
representations four months ago.

298

00:16:08.905 --> 00:16:11.525  
And so we await with bated breath

299

00:16:12.845 --> 00:16:14.325  
a response from ABP

300

00:16:27.285 --> 00:16:28.285  
Mr. Greenwood. Um,

301

00:16:28.285 --> 00:16:31.305  
I think it's fair

302

00:16:31.305 --> 00:16:34.265  
to say there's an air of frustration

303

00:16:34.885 --> 00:16:35.985  
at that end of the table.

304

00:16:36.765 --> 00:16:40.025  
Um, it does seem that there, there does need

305

00:16:40.025 --> 00:16:44.385  
to be some progress made in trying to resolve, um,

306

00:16:46.195 --> 00:16:48.745  
those protective provisions, at least getting some feedback

307

00:16:49.345 --> 00:16:51.145  
formally, uh, to OT.

308

00:16:52.125 --> 00:16:55.945  
Um, what can you say to assist that process

309

00:16:56.205 --> 00:16:57.225  
as we sit here today?

310  
00:17:12.225 --> 00:17:14.255  
Sorry. So, James Ron from the applicant,

311  
00:17:14.255 --> 00:17:16.575  
we're just checking on timescales.

312  
00:17:17.035 --> 00:17:18.975  
Uh, I, Mr I won't repeat what Mr.

313  
00:17:18.975 --> 00:17:22.815  
Greenman said earlier about in terms

314  
00:17:22.835 --> 00:17:26.095  
of what's described as frustration, the interim steps

315  
00:17:26.195 --> 00:17:29.255  
and where we had thought we were making progress,

316  
00:17:29.315 --> 00:17:31.295  
and I don't want to go over that again,

317  
00:17:31.315 --> 00:17:35.735  
but in, in relation to your question about response back,

318  
00:17:36.035 --> 00:17:37.935  
um, I'm just finding out when, when

319  
00:17:38.655 --> 00:17:41.575  
I mean it, it comes to my mind anyway.

320  
00:17:41.575 --> 00:17:43.055  
And I think my colleagues' mind

321  
00:17:43.805 --> 00:17:46.895  
that one way we could at least jog things along

322  
00:17:47.115 --> 00:17:50.805  
as I think iot have suggested, is

323  
00:17:50.915 --> 00:17:54.805

that their draft, um, provisions be put into

324

00:17:55.435 --> 00:17:56.885

what we will be preparing.

325

00:17:57.625 --> 00:17:59.965

Um, and you will then have a question

326

00:18:00.185 --> 00:18:02.645

or two put to you to respond.

327

00:18:03.385 --> 00:18:06.365

And that will have to be formally done in, in, when,

328

00:18:06.365 --> 00:18:11.285

when you respond, um, to our, our suggested tweaks

329

00:18:11.285 --> 00:18:15.805

to the DC0 that might at least push things along,

330

00:18:16.385 --> 00:18:18.205

I'd, I'd be content with that solution.

331

00:18:18.945 --> 00:18:21.085

So can I just, James Strong of the applicant.

332

00:18:21.085 --> 00:18:23.565

So we, we did of course provide protection

333

00:18:23.565 --> 00:18:24.725

provisions in the DC0.

334

00:18:25.665 --> 00:18:26.965

So the, and I know

335

00:18:27.705 --> 00:18:31.245

you've had counter protective provisions proposed by iot,

336

00:18:32.065 --> 00:18:35.845

but they we're not starting from a, a situation

337

00:18:35.845 --> 00:18:38.085

where there weren't protective provisions being suggested

338

00:18:38.145 --> 00:18:39.365

by the applicant.

339

00:18:39.365 --> 00:18:43.485

There were. And so we've had the counter ones,

340

00:18:44.185 --> 00:18:46.285

we had the interim period of course, where

341

00:18:48.555 --> 00:18:49.885

without going over it again,

342

00:18:50.425 --> 00:18:53.445

but the, the differences of view, if I can put it

343

00:18:53.445 --> 00:18:55.445

as neutrally as possible, as to what happened there.

344

00:18:56.145 --> 00:18:59.365

And in light of that, we'll have to go back in relation

345

00:18:59.365 --> 00:19:01.725

to their counter proposals,

346

00:19:02.105 --> 00:19:05.645

but it's not right that we have, you haven't got before you

347

00:19:05.905 --> 00:19:08.965

No, no Provisions that we actually no consider

348

00:19:09.875 --> 00:19:11.645

Have been appropriate, doesn't seem, seem to have been

349

00:19:11.645 --> 00:19:16.285

much progress in responding formally, um,

350

00:19:16.865 --> 00:19:20.885

to the IOT operator's counter proposal as far

351

00:19:20.885 --> 00:19:22.005

as they were concerned,

352

00:19:22.555 --> 00:19:24.965

Submitted for deadline one on the 15th of August

353

00:19:28.035 --> 00:19:29.035

Application. So,

354

00:19:29.035 --> 00:19:33.805

um, if IO OT can arrange, oh, I think actually have,

355

00:19:34.045 --> 00:19:36.205

I think we have received earlier this afternoon,

356

00:19:36.365 --> 00:19:37.925

I think I saw an email that Ms.

357

00:19:37.985 --> 00:19:39.365

Robins circulated to us

358

00:19:39.745 --> 00:19:40.745

Yes. With some word.

359

00:19:40.745 --> 00:19:42.365

With a word version. Yeah. Yes.

360

00:19:42.865 --> 00:19:47.205

Um, we've asked for the draft DCO, um,

361

00:19:47.625 --> 00:19:51.925

in word form to be submitted that will have your version.

362

00:19:52.865 --> 00:19:55.605

Uh, we will at least have something to be comparing and,

363

00:19:55.605 --> 00:19:58.805

or perhaps making some tweaks to

364

00:19:58.885 --> 00:20:00.285  
that we think might be appropriate.

365

00:20:01.105 --> 00:20:04.645  
Um, but, um, that isn't necessarily the end

366

00:20:04.645 --> 00:20:06.205  
of whatever discussions should

367

00:20:06.205 --> 00:20:07.325  
be going on in the background.

368

00:20:08.265 --> 00:20:10.325  
Um, Mr. Greenwood,

369

00:20:10.625 --> 00:20:13.045  
Sir, thank you Brian Greenwood for, uh, the applicant.

370

00:20:13.305 --> 00:20:16.685  
So to move things forward, uh, as constructively

371

00:20:16.745 --> 00:20:21.725  
as possible, um, what we could do, uh, subject to, uh,

372

00:20:21.785 --> 00:20:26.085  
my client's approval is we obviously do have the, uh,

373

00:20:26.655 --> 00:20:29.605  
draft protective provisions amended protective provisions

374

00:20:29.835 --> 00:20:31.085  
sent to us by purchase salmon.

375

00:20:31.585 --> 00:20:34.045  
Uh, we do have amendments to those,

376

00:20:34.305 --> 00:20:38.325  
and we could in fact put our amended, uh, draft

377

00:20:39.595 --> 00:20:42.805

amended for the one that was sent across to us in,

378

00:20:42.945 --> 00:20:44.085

uh, our DC0.

379

00:20:44.105 --> 00:20:48.445

So at least you'll see that we are prepared to meet, uh,

380

00:20:48.925 --> 00:20:52.965

IOT, uh, moving away from the original, uh, draft,

381

00:20:52.975 --> 00:20:54.245

which we still stand by,

382

00:20:54.575 --> 00:20:56.765

which was included in the submitted DC0.

383

00:20:56.785 --> 00:20:57.805

If that would assist

384

00:20:59.625 --> 00:21:01.325

It, it may provide some assistance.

385

00:21:01.345 --> 00:21:06.205

Can we then ask that we have a clean version of the DCA,

386

00:21:06.205 --> 00:21:09.005

but also a tracked version in words so

387

00:21:09.005 --> 00:21:10.565

that we can see the difference

388

00:21:10.565 --> 00:21:13.925

and if we need to take something out of, um,

389

00:21:15.745 --> 00:21:18.845

the DC, it just, it's easier to work out, albeit

390

00:21:18.845 --> 00:21:20.605

that we'll only be able to take it outta the clean version.

391

00:21:20.605 --> 00:21:23.805

Otherwise, that might start to mess up formatting.

392

00:21:24.385 --> 00:21:26.845

Um, especially when we, we are using a shared document

393

00:21:26.845 --> 00:21:29.925

that starts to make life even more interesting, at least

394

00:21:29.925 --> 00:21:31.285

for the system that we work with.

395

00:21:31.825 --> 00:21:36.285

Um, so yeah, if you could do that, um,

396

00:21:36.695 --> 00:21:39.645

again, it just makes it easy to see clean versus tracked.

397

00:21:39.945 --> 00:21:41.845

You can quickly spot where the changes are

398

00:21:41.865 --> 00:21:44.805

and if you are lifting things out and mixing and matching.

399

00:21:47.345 --> 00:21:49.445

So if, if, uh, David Alvin iot,

400

00:21:49.645 --> 00:21:52.565

I might ask when we can see those from Mr.

401

00:21:52.565 --> 00:21:55.515

Greenwood, Brian

402

00:21:55.515 --> 00:21:57.715

Greenwood for our ABP the beginning of next week, sir,

403

00:21:59.385 --> 00:22:00.385

That Monday?

404

00:22:01.675 --> 00:22:03.075

I would think it's Monday, yes.

405

00:22:03.175 --> 00:22:04.475

To me, that's the beginning of the week.

406

00:22:04.545 --> 00:22:08.275

Yeah. Thank you. And knowing

407

00:22:08.275 --> 00:22:10.715

that we've got a fair amount of work between the,

408

00:22:10.775 --> 00:22:14.835

the members of this panel, um, we don't want to be left, uh,

409

00:22:14.835 --> 00:22:17.675

too late in the week before we can actually start, um,

410

00:22:17.675 --> 00:22:19.595

potentially working on the DC0.

411

00:22:19.815 --> 00:22:22.315

Um, so case we

412

00:22:22.315 --> 00:22:25.305

Can re Thank you.

413

00:22:34.935 --> 00:22:38.755

We, we, we have kind of parked the MM0 side

414

00:22:38.755 --> 00:22:39.875

of things as an update.

415

00:22:40.395 --> 00:22:44.715

I am conscious though that perhaps, uh, Mr. Walker and

416

00:22:44.715 --> 00:22:47.795

or Mr. Owen may have some comments to make about other bits

417

00:22:47.795 --> 00:22:50.835

of the award that, that we skipped through this afternoon.

418

00:22:51.735 --> 00:22:54.635

I'm also conscious that they, they may wish to depart

419

00:22:55.575 --> 00:22:58.835

rather than sitting through a sec, a sec, hopefully

420

00:22:58.835 --> 00:23:00.915

what will not be a too long a session on the

421

00:23:00.915 --> 00:23:02.435

draft Marine license.

422

00:23:03.415 --> 00:23:06.075

Um, but if, if you'd like, uh,

423

00:23:06.165 --> 00:23:09.715

we'll take things again slightly outta turn, um,

424

00:23:09.935 --> 00:23:12.955

to pick up any points, um, that we haven't already dealt

425

00:23:12.955 --> 00:23:14.275

with in the draft order.

426

00:23:14.975 --> 00:23:16.115

Uh, Mr. Elvin,

427

00:23:16.255 --> 00:23:18.715

is there anything from your client's perspective

428

00:23:19.505 --> 00:23:21.915

that you might want to pick up in the rest of the order

429

00:23:22.095 --> 00:23:24.755

or do you, do you wish

430

00:23:24.815 --> 00:23:28.155

to depart at this state stage,

431

00:23:28.165 --> 00:23:30.075

which we're perfectly content with,

432

00:23:30.175 --> 00:23:31.195

if that's what you'd like to do?

433

00:23:31.735 --> 00:23:33.715

No offense will be taken by anybody if you No,

434

00:23:34.195 --> 00:23:38.275

I, I we, we, we've raised the points

435

00:23:38.495 --> 00:23:42.875

of concern in the, both the context of the issue rose just

436

00:23:42.875 --> 00:23:44.475

before and just after lunch in respect

437

00:23:44.475 --> 00:23:45.525

to the protective provisions.

438

00:23:45.545 --> 00:23:47.205

So that, those are our key concerns.

439

00:23:48.825 --> 00:23:51.885

If, if you and your, the rest of your team wish to depart,

440

00:23:51.905 --> 00:23:53.045

by all means do so.

441

00:23:53.745 --> 00:23:55.725

You've said that twice now. You tried to get rid of us.

442

00:23:55.825 --> 00:23:59.285

No, no, no. But I, we, I i,

443

00:23:59.345 --> 00:24:01.645

we may well take you off on your account, our phone case.

444

00:24:01.795 --> 00:24:04.525

Most people have got several plates to spin at once. Yeah.

445

00:24:04.525 --> 00:24:07.045

So, um, if you don't have to be in here,

446

00:24:07.045 --> 00:24:10.045

you can do something else then by all means do so well

447

00:24:10.045 --> 00:24:11.485

In, in which case, thank you very much

448

00:24:11.585 --> 00:24:12.605

and thank you for your attention.

449

00:24:12.835 --> 00:24:15.525

Okay, thank you, Mr.

450

00:24:17.105 --> 00:24:21.325

Rob. CLDN. So I think in relation to DCO points, we've

451

00:24:22.185 --> 00:24:23.645

uh, uh, aired today.

452

00:24:23.805 --> 00:24:25.685

I think the points at the foremost

453

00:24:25.685 --> 00:24:27.565

of our mind at the moment.

454

00:24:27.785 --> 00:24:31.205

We of course, have submitted in our written representations

455

00:24:31.205 --> 00:24:34.165

of deadline to a full list of points.

456

00:24:34.185 --> 00:24:36.845

We then, obviously after ISH four at Deadline four

457

00:24:37.715 --> 00:24:40.125

confirmed the then points in play.

458

00:24:40.345 --> 00:24:44.925

And finally, at deadline six, we also put in

459

00:24:45.605 --> 00:24:48.885

a, a shorter submission, uh, uh, as part

460

00:24:48.885 --> 00:24:51.245

of a broader submission on DCO points.

461

00:24:51.345 --> 00:24:52.765

So I, I believe

462

00:24:52.765 --> 00:24:55.285

that Rob take up any more time today on, on anything else.

463

00:24:55.585 --> 00:24:57.085

You obviously got those submissions

464

00:24:57.385 --> 00:25:01.365

and, um, I would commend 'em to you insofar

465

00:25:01.365 --> 00:25:03.405

as we haven't covered them today, as you consider

466

00:25:03.835 --> 00:25:05.845

what changes the DCO you might want to

467

00:25:06.705 --> 00:25:07.805

put into the examination.

468

00:25:07.805 --> 00:25:09.965

And then I, I think I would suggest it might be helpful

469

00:25:09.985 --> 00:25:12.165

for us to respond to, um,

470

00:25:12.435 --> 00:25:14.245

what you do put into the examination next week,

471

00:25:14.245 --> 00:25:16.405

which I'm assuming for all of us would be deadline seven

472

00:25:16.905 --> 00:25:20.805  
to respond with our observations on the,

473

00:25:20.805 --> 00:25:25.325  
the DCO in the form that you, um, publish, um,

474

00:25:25.385 --> 00:25:27.645  
or schedule the changes to the applicant's draft.

475

00:25:28.225 --> 00:25:31.165  
And therefore, in, in doing that response to deadline seven,

476

00:25:31.225 --> 00:25:33.925  
we can just review our previous submissions

477

00:25:33.985 --> 00:25:35.005  
and pick them all up

478

00:25:35.005 --> 00:25:37.925  
and, um, bring them together, which I hope would assist you.

479

00:25:38.185 --> 00:25:40.845  
Um, and obviously those issues that have been dealt with,

480

00:25:40.865 --> 00:25:44.045  
we would obviously not, not, not, uh, need

481

00:25:44.045 --> 00:25:45.165  
to bring 'em up again,

482

00:25:45.185 --> 00:25:47.805  
but I, I think that's probably a better use of time than

483

00:25:48.835 --> 00:25:51.005  
hearing further submissions from me today, which, uh,

484

00:25:51.005 --> 00:25:53.445  
given the time of day would not be probably welcomed.

485

00:25:55.105 --> 00:25:56.325

Um, and therefore, uh,

486

00:25:56.405 --> 00:25:57.965

I would suggest we do that, if that's okay.

487

00:25:58.395 --> 00:26:00.725

That that's fine. It was just if there was anything

488

00:26:00.725 --> 00:26:03.605

that had arisen that you hadn't already committed to paper,

489

00:26:04.585 --> 00:26:07.245

um, which you have done helpfully, uh,

490

00:26:07.305 --> 00:26:08.525

in a, in a cogent way.

491

00:26:08.525 --> 00:26:10.805

So it's easy for us to work our way through.

492

00:26:10.835 --> 00:26:11.885

Sure. Your various points.

493

00:26:12.385 --> 00:26:13.605

And can I, can I just check

494

00:26:13.605 --> 00:26:16.205

that it is deadline seven when you would be expecting,

495

00:26:16.325 --> 00:26:17.925

'cause I don't think this is in the Rule eight letter

496

00:26:18.555 --> 00:26:21.045

when you'd be expecting all interested parties

497

00:26:21.105 --> 00:26:23.885

and the applicant to respond to your, your, your,

498

00:26:23.885 --> 00:26:25.605

your schedule of changes to the DCO

499

00:26:26.555 --> 00:26:29.965

That at this stage is our expectation,

500

00:26:30.185 --> 00:26:32.085

but depending on how long

501

00:26:32.545 --> 00:26:36.605

or how large that schedule turns out to be, we may have

502

00:26:36.605 --> 00:26:39.445

to review, uh, the, the date

503

00:26:39.465 --> 00:26:41.485

by which we expect and responses back.

504

00:26:41.645 --> 00:26:42.885

I, we're not gonna shorten it,

505

00:26:43.505 --> 00:26:46.645

but we, we may feel it necessary to extend it.

506

00:26:46.865 --> 00:26:50.845

And that might also depend upon what we are dealing

507

00:26:50.875 --> 00:26:52.285

with the change request,

508

00:26:52.915 --> 00:26:56.845

because as we highlighted earlier, um, we may have

509

00:26:56.845 --> 00:26:59.565

to insert some additional deadlines

510

00:26:59.565 --> 00:27:02.005

to accommodate the ability for parties

511

00:27:02.105 --> 00:27:03.245

to make comment formally

512

00:27:03.705 --> 00:27:05.685

to the examining authority about the change request.

513

00:27:06.145 --> 00:27:07.565

That's, that's very helpful then.

514

00:27:07.565 --> 00:27:10.845

Well, I think on that basis, if, if we could also

515

00:27:11.465 --> 00:27:12.845

be given leave absence for the rest

516

00:27:12.845 --> 00:27:14.045

of this hearing, that'd be appreciated.

517

00:27:15.855 --> 00:27:19.325

Thank you. Thank you, Mr. Walker.

518

00:27:20.255 --> 00:27:23.605

Thank you, sir. And I and Angus Walker for DFDS.

519

00:27:23.605 --> 00:27:28.445

And I appreciate you rejigging the, um, agenda so that those

520

00:27:28.545 --> 00:27:31.485

who are not concerned as later items can leave.

521

00:27:31.955 --> 00:27:34.405

I'll make one or two brief points, if I may. I'm sorry.

522

00:27:34.825 --> 00:27:39.365

Um, in the light of the issue, specific hearing five, um,

523

00:27:42.055 --> 00:27:46.685

first Article 21, which has the annual cap in it, um,

524

00:27:47.025 --> 00:27:48.765

the applicant,

525

00:27:49.205 --> 00:27:50.605

although we probably have to wait to see

526

00:27:50.605 --> 00:27:52.605

what they say in writing, appeared to concede

527

00:27:52.605 --> 00:27:56.285

that they would accept a daily cap of 1800 R0 units.

528

00:27:56.825 --> 00:27:59.365

Um, so that would be where that would go.

529

00:28:01.345 --> 00:28:05.285

Um, then as I mentioned to

530

00:28:05.305 --> 00:28:09.085

before, Northeast Lincolnshire Council, um, Mr.

531

00:28:09.225 --> 00:28:11.525

Limmer left this, this morning, afternoon.

532

00:28:11.825 --> 00:28:16.345

Um, we may, if,

533

00:28:16.445 --> 00:28:19.625

if we consider that junction improvements are necessary,

534

00:28:20.565 --> 00:28:23.585

may request that these are either works in schedule one

535

00:28:23.605 --> 00:28:26.505

or the subject of a section 2 7 8 agreement

536

00:28:26.525 --> 00:28:27.825

as the local highway authority,

537

00:28:28.445 --> 00:28:29.945

if the ladder is to carry them out.

538

00:28:30.245 --> 00:28:32.265

But there may be more than one authority depending

539

00:28:32.395 --> 00:28:33.665

where the junctions are.

540

00:28:35.125 --> 00:28:35.345

Um,

541

00:28:40.555 --> 00:28:45.365

Requirement 10 on, um, insulation, the, uh,

542

00:28:45.365 --> 00:28:49.365

applicant has amended it to allow the

543

00:28:50.485 --> 00:28:52.045

resident to make a counter offer.

544

00:28:52.515 --> 00:28:56.765

However, we still think it doesn't commit

545

00:28:56.765 --> 00:28:59.005

to any particular level of noise protection.

546

00:28:59.005 --> 00:29:01.765

And so would, um, suggest that

547

00:29:01.765 --> 00:29:04.845

that should be amended further to make that the case.

548

00:29:06.705 --> 00:29:11.645

And finally, as, as Mr for mentioned yesterday or the day

549

00:29:11.645 --> 00:29:15.965

before, um, given the discussion about,

550

00:29:17.425 --> 00:29:20.125

excuse me, simulations of vessels and so on.

551

00:29:21.305 --> 00:29:25.325

And, uh, we would wish to see an additional requirement

552

00:29:26.365 --> 00:29:29.285

limiting the size, the maximum size of vessels to the ones

553

00:29:29.285 --> 00:29:32.965  
that are currently have been, um,

554

00:29:33.105 --> 00:29:37.285  
environmentally assessed as their effects of arriving

555

00:29:37.345 --> 00:29:39.285  
and departing from the new facility,

556

00:29:40.675 --> 00:29:43.525  
including me in particular, the navigational safety

557

00:29:43.705 --> 00:29:44.765  
of them doing so.

558

00:29:46.885 --> 00:29:48.845  
I think that is it. Thank you very much.

559

00:29:51.525 --> 00:29:54.035  
Thank you. Mr. Walker, anything from the applicant in,

560

00:29:54.135 --> 00:29:56.435  
in terms of what Mr. Walker has just said?

561

00:30:02.825 --> 00:30:06.115  
Yeah, Uh, James Schwar for the applicant, sir, we,

562

00:30:06.195 --> 00:30:09.035  
I think we can deal with some of these in

563

00:30:09.635 --> 00:30:11.435  
response in writing while they take time with them.

564

00:30:11.865 --> 00:30:14.875  
Just to be clear, um, in relation to the, the last,

565

00:30:14.875 --> 00:30:17.635  
certainly we don't accept that there's a requirement for

566

00:30:17.635 --> 00:30:22.075

that, both in line with the simulations

567

00:30:22.105 --> 00:30:25.835

that have been done, um, in principle, as you heard from Mr.

568

00:30:25.885 --> 00:30:29.595

Depart and indeed the principle of

569

00:30:30.565 --> 00:30:32.435

regulation of future vessels

570

00:30:32.435 --> 00:30:35.195

that we've heard about already from the Harbor Master.

571

00:30:35.335 --> 00:30:39.435

But rather than take time and either elaborating

572

00:30:39.535 --> 00:30:41.515

or probably more, more, um,

573

00:30:42.075 --> 00:30:44.835

annoyingly repeating the points at this stage,

574

00:30:45.615 --> 00:30:49.035

I'm sure we can cover those off in, in written responses.

575

00:30:58.195 --> 00:31:00.275

I, I, sorry, just one point on that.

576

00:31:00.335 --> 00:31:04.195

Um, you, you, in relation

577

00:31:04.195 --> 00:31:05.435

to those drawings in relation

578

00:31:05.435 --> 00:31:07.755

to highway junction improvements, I think those are ones

579

00:31:07.755 --> 00:31:10.955

to be provided that, uh, we haven't seen.

580

00:31:11.015 --> 00:31:14.475

But in any event, I think there was a reference, we, we,

581

00:31:14.475 --> 00:31:17.355

there's a difference of on principle of course, about that,

582

00:31:17.855 --> 00:31:20.475

but the, in fact, what Mr.

583

00:31:20.665 --> 00:31:23.235

Furr referred to was the potential

584

00:31:23.235 --> 00:31:26.595

for contributions rather than requirements of those works.

585

00:33:05.745 --> 00:33:07.925

We, we, we hear what both of you say.

586

00:33:08.085 --> 00:33:10.045

I think we as, as Mr.

587

00:33:10.095 --> 00:33:12.285

Straw has suggested it's gonna be better to rely on

588

00:33:13.275 --> 00:33:15.085

applicant responding in, in writing.

589

00:33:15.465 --> 00:33:17.245

Um, you'll then subsequently be able to,

590

00:33:18.225 --> 00:33:21.205

um, respond.

591

00:33:21.625 --> 00:33:24.045

Um, I think there is just one point

592

00:33:24.045 --> 00:33:25.045

of clarity in there though.

593

00:33:25.785 --> 00:33:29.605

The, um, there was discussion yesterday about Article 21

594

00:33:29.665 --> 00:33:33.765  
and the 1800 unit cap per day.

595

00:33:34.315 --> 00:33:37.365  
That seemed certainly from what Mr. Tucker was saying

596

00:33:37.665 --> 00:33:38.885  
to have been accepted.

597

00:33:41.845 --> 00:33:43.835  
James drawn for the applicant. Yes, sir.

598

00:33:51.105 --> 00:33:52.255  
Thank you, sir. In that case,

599

00:33:52.525 --> 00:33:54.935  
this is like the Farewell Symphony or something that

600

00:33:54.935 --> 00:33:56.415  
We will, the Mary Celeste take.

601

00:33:56.445 --> 00:33:59.615  
I'll leave us By all means.

602

00:34:28.405 --> 00:34:31.295  
That then takes us hopefully quite quickly back

603

00:34:31.315 --> 00:34:33.055  
to the draft Marine license.

604

00:34:33.395 --> 00:34:37.375  
And really it's just an update we are looking for in terms

605

00:34:37.375 --> 00:34:40.015  
of where the discussions are currently with

606

00:34:41.955 --> 00:34:43.735  
marine management organization

607

00:34:49.785 --> 00:34:51.055  
James drawn for the applicant.

608

00:34:51.315 --> 00:34:54.655  
So the, I think there is only

609

00:34:55.355 --> 00:34:59.255  
one point still under discussion with the

610

00:35:00.175 --> 00:35:04.495  
MMO, apologies 'cause I'm telling you this secondhand

611

00:35:04.515 --> 00:35:06.135  
and, um, but that's my understanding

612

00:35:06.795 --> 00:35:10.575  
and that is in relation to the

613

00:35:11.655 --> 00:35:14.215  
piling, um, potential restrictions,

614

00:35:14.905 --> 00:35:18.695  
mitigation the duration of the piling allowed in the months

615

00:35:18.835 --> 00:35:22.055  
of June and August to October

616

00:35:23.715 --> 00:35:26.615  
in relation to effects on migratory fish.

617

00:35:28.815 --> 00:35:33.315  
And so I'm pleased to report that there was a

618

00:35:34.145 --> 00:35:36.915  
further meeting on the 7th of November

619

00:35:38.545 --> 00:35:42.565  
at which the applicant explained its position,

620

00:35:43.585 --> 00:35:46.285

uh, in relation to that

621

00:35:49.305 --> 00:35:53.605

and the proposal to address

622

00:35:54.555 --> 00:35:59.205

MMOs residual, uh, concern about that

623

00:36:01.065 --> 00:36:05.885

and the absence of need for any further

624

00:36:06.525 --> 00:36:09.245

restrictions, the type that were being posited.

625

00:36:10.305 --> 00:36:14.925

And we don't have any formal response

626

00:36:15.065 --> 00:36:16.485

yet from the MMO,

627

00:36:17.505 --> 00:36:20.805

but at least in principle, there seemed to be a

628

00:36:22.595 --> 00:36:26.925

receptive attitude to what was identified

629

00:36:28.785 --> 00:36:33.445

and discussions are ongoing such that we

630

00:36:34.115 --> 00:36:37.325

hope we may be able to resolve that issue.

631

00:36:38.555 --> 00:36:42.965

That one's outstanding issue. Um, soon.

632

00:36:44.425 --> 00:36:47.605

Oh, there's one other one. Yes. What's the other, sorry.

633

00:36:48.635 --> 00:36:51.885

Okay, I've got one, one, there may be, well, I'll let Mr.

634

00:36:51.885 --> 00:36:53.685

Greenwood say there might be one other issue.

635

00:36:54.785 --> 00:36:56.325

Uh, sorry. So Brian Greenwood

636

00:36:56.325 --> 00:36:57.445

for Associated British Reports,

637

00:36:57.495 --> 00:36:59.645

there is one other final issue, sir.

638

00:36:59.705 --> 00:37:01.005

Uh, and I should add

639

00:37:01.005 --> 00:37:03.685

that we've had very positive construction discussions

640

00:37:03.685 --> 00:37:07.605

with the MMO and that is the, uh, notice to determination,

641

00:37:07.605 --> 00:37:09.085

which is paragraph 27.

642

00:37:09.625 --> 00:37:13.765

Uh, we have asked the MMO to give, uh, uh,

643

00:37:14.115 --> 00:37:16.845

give ours, uh, their decision is

644

00:37:16.845 --> 00:37:18.805

to determine if the application as soon

645

00:37:18.805 --> 00:37:22.765

as reasonably practicable and no later than six weeks.

646

00:37:23.385 --> 00:37:26.045

Um, you'll be happy to hear there isn't a provision that

647

00:37:26.045 --> 00:37:30.685

after six weeks, uh, there's a deemed, uh, uh, acceptance.

648

00:37:31.235 --> 00:37:32.565

They have asked for a longer period.

649

00:37:32.945 --> 00:37:36.125

Uh, that is a subject of discussion ongoing at the moment,

650

00:37:36.465 --> 00:37:39.085

and hopefully we will be able to resolve it.

651

00:37:39.265 --> 00:37:43.085

But at the moment, uh, sir, the MMO, um,

652

00:37:43.155 --> 00:37:44.805

have not accepted the six week period.

653

00:37:46.145 --> 00:37:49.405

Um, I believe they've not accepted the six week period

654

00:37:50.035 --> 00:37:54.405

willingly on many recent, uh, uh, made dcos

655

00:37:54.635 --> 00:37:57.405

That that may, so that Brian Green

656

00:37:57.405 --> 00:37:59.005

for ABP, that may well be the case.

657

00:37:59.105 --> 00:38:03.565

Uh, but our most recent, uh, experience with the MMO, uh,

658

00:38:03.565 --> 00:38:05.325

we did even agree a shorter period.

659

00:38:05.505 --> 00:38:07.845

So it's inconsistency, it deals with the offices,

660

00:38:08.065 --> 00:38:10.805

but as I say, uh, these are positive negotiations

661

00:38:10.805 --> 00:38:11.965  
and we will come to an answer.

662

00:38:19.855 --> 00:38:21.765  
Thank you both, Mr. Straw and Mr. Greenman.

663

00:38:21.805 --> 00:38:26.405  
I think, uh, the update is, is useful for our purposes.

664

00:38:26.405 --> 00:38:30.845  
It, it sounds like things are going in the right direction,

665

00:38:30.845 --> 00:38:34.125  
at least in terms of drafting of the draft marine license.

666

00:38:42.065 --> 00:38:42.485  
You go.

667

00:39:04.165 --> 00:39:07.405  
I think that therefore brings us to the end

668

00:39:07.465 --> 00:39:10.405  
of the business for this hearing.

669

00:39:16.905 --> 00:39:18.365  
Mr. Greenman or Mr. Straw,

670

00:39:21.785 --> 00:39:23.685  
Uh, James Straw for the applicant, sir,

671

00:39:23.785 --> 00:39:27.645  
you recall yesterday I left over the question of

672

00:39:28.305 --> 00:39:31.205  
an update in relation to Natural England,

673

00:39:31.945 --> 00:39:35.165  
and I asked you if it would be out of order just

674

00:39:35.165 --> 00:39:36.845

to provide you with that update today.

675

00:39:37.065 --> 00:39:39.445

Is that, is it a convenient moment to do that

676

00:39:39.585 --> 00:39:43.325

or do you want to do it under AOB?

677

00:39:44.055 --> 00:39:45.725

Sorry, I think it is convenient

678

00:39:46.385 --> 00:39:48.485

before we formally close this hearing.

679

00:39:50.145 --> 00:39:54.125

So, so the, I think the,

680

00:39:54.125 --> 00:39:57.805

since the last update we gave to you at, um, ISH three,

681

00:39:58.575 --> 00:40:00.445

we've continued to have constructive

682

00:40:00.445 --> 00:40:01.845

discussions with Natural England.

683

00:40:04.065 --> 00:40:07.795

Natural England have, have of course reviewed the updated,

684

00:40:08.895 --> 00:40:10.835

um, HRA that we

685

00:40:11.075 --> 00:40:13.955

provided at deadline five, uh,

686

00:40:13.955 --> 00:40:16.435

which incorporated various clarifications

687

00:40:16.705 --> 00:40:19.475

that have been sought both by naturally and yourselves,

688

00:40:20.695 --> 00:40:23.315

and then naturally England provide some further views in

689

00:40:24.635 --> 00:40:26.475

response, uh, at deadline six.

690

00:40:28.175 --> 00:40:29.915

And we understand almost all

691

00:40:29.915 --> 00:40:32.635

of the issues have been resolved with Natural England

692

00:40:33.375 --> 00:40:35.635

as reflected in the statement common ground

693

00:40:35.695 --> 00:40:39.115

and the latest risk and issues log.

694

00:40:39.735 --> 00:40:43.235

Um, I think one, there are a few residual points, one

695

00:40:43.235 --> 00:40:46.195

of which relates to noise

696

00:40:46.215 --> 00:40:50.115

and visual disturbance during construction on qualifying

697

00:40:50.955 --> 00:40:53.315

SBA straight rams are bird species.

698

00:40:55.215 --> 00:40:59.675

And, uh, in respect of that, the

699

00:41:00.385 --> 00:41:03.795

applicant is experiencing some difficulty

700

00:41:04.375 --> 00:41:07.955

in understanding natural England's position

701

00:41:09.505 --> 00:41:13.715

because, uh, they have identified 200 meters,

702

00:41:14.625 --> 00:41:18.115

this is the 200 meters versus 300 meters distance.

703

00:41:18.185 --> 00:41:22.675

They have identified 200 meters as an acceptable disturbance

704

00:41:23.795 --> 00:41:26.555

distance for mace construction activities within a

705

00:41:27.185 --> 00:41:30.155

port environment where birds show some habituation

706

00:41:30.295 --> 00:41:31.915

to human activity.

707

00:41:33.425 --> 00:41:36.525

Uh, and of course, the applicants

708

00:41:36.725 --> 00:41:41.565

provided specific evidence about that specific to this port

709

00:41:41.785 --> 00:41:44.485

and based on empirical data,

710

00:41:45.105 --> 00:41:48.685

but notwithstanding that there appears to have been a resort

711

00:41:48.745 --> 00:41:51.125

to a, uh, a 300 meter

712

00:41:52.145 --> 00:41:55.605

or a more precautionary approach than that, um,

713

00:41:56.215 --> 00:41:59.845

where it said there may be effects on birds between the 55

714

00:41:59.865 --> 00:42:04.485

and 70 decibel level, even though we've had previous advice

715

00:42:04.485 --> 00:42:07.365

that it's the exceedance of a 70 decibel

716

00:42:08.255 --> 00:42:09.525

level L max,

717

00:42:11.395 --> 00:42:14.295

and, uh, a suggestion that, uh,

718

00:42:14.315 --> 00:42:17.815

the noise disturbance zone should be 300 meters.

719

00:42:17.915 --> 00:42:19.655

We, we don't agree with that.

720

00:42:21.315 --> 00:42:22.815

And what's more we

721

00:42:23.015 --> 00:42:26.775

provided the evidence base for, for this specific location

722

00:42:26.955 --> 00:42:29.655

to reflect that previous 200 meters

723

00:42:29.655 --> 00:42:30.935

of distance is acceptable.

724

00:42:31.915 --> 00:42:35.415

And we haven't been given any counter evidence

725

00:42:36.845 --> 00:42:38.735

from Natural England to justify

726

00:42:39.375 --> 00:42:40.695

a more precautionary approach.

727

00:42:42.635 --> 00:42:45.095

So that's where things currently stand,

728

00:42:45.375 --> 00:42:47.215

although we are continuing to try

729

00:42:47.215 --> 00:42:51.615

and clarify that last main point with natural England

730

00:42:51.615 --> 00:42:53.895

because of the evidence we provided,

731

00:42:54.995 --> 00:42:56.215

and we'll provide a response

732

00:42:56.215 --> 00:42:57.695

to their deadline six submission

733

00:42:57.995 --> 00:43:01.415

and see if, um, we can progress that sort of residual issue.

734

00:43:02.185 --> 00:43:03.855

There were some other points raised about

735

00:43:04.475 --> 00:43:08.215

air quality impacts on the hatford chase ditches, triples I,

736

00:43:08.955 --> 00:43:10.735

and piling restrictions for lampre.

737

00:43:11.835 --> 00:43:14.215

Um, and those points are being addressed, uh,

738

00:43:14.235 --> 00:43:16.655

by the applicant and we hope can be resolved with,

739

00:43:16.685 --> 00:43:18.255

with Natural England in any event.

740

00:43:19.875 --> 00:43:23.975

And so finally, there, there is the issue of, um, cumulative

741

00:43:23.975 --> 00:43:25.215

and in combination effects

742

00:43:26.875 --> 00:43:30.095

and we, uh, you've already

743

00:43:30.805 --> 00:43:35.735

made some observations about that generally in your comments

744

00:43:35.795 --> 00:43:37.375

and where we're going to address those

745

00:43:37.795 --> 00:43:39.575

as requested, uh, for deadline seven.

746

00:43:50.845 --> 00:43:54.585

So, so that, that's an update generally very positive,

747

00:43:54.695 --> 00:43:57.505

that one issue where there's a, a difference of view

748

00:43:57.525 --> 00:44:01.265

and we're trying to fathom, um, whether there's a,

749

00:44:01.265 --> 00:44:04.025

whether it's a real difference of view and if so, why?

750

00:44:05.445 --> 00:44:09.185

I'm trying to remember whether in the Reese

751

00:44:09.295 --> 00:44:11.385

that was issued that matter

752

00:44:11.385 --> 00:44:13.825

of the bird zone was ra. I think he probably

753

00:44:14.165 --> 00:44:14.665

Was. Think it

754

00:44:14.665 --> 00:44:15.665

Is. Yep. Because it

755

00:44:15.665 --> 00:44:16.385

was picked up

756

00:44:16.385 --> 00:44:17.705

because of the concern

757

00:44:17.705 --> 00:44:20.425

that was still being voiced by Natural England,

758

00:44:21.515 --> 00:44:22.705

James Sha of the applicant.

759

00:44:22.725 --> 00:44:25.665

Yes. That's my recollection of your, uh, question.

760

00:44:26.005 --> 00:44:29.065

And that may serve to, um,

761

00:44:30.265 --> 00:44:32.805

identify whether there is a fundamental issue

762

00:44:32.805 --> 00:44:34.725

or a more, um, more of a,

763

00:44:36.245 --> 00:44:38.565

a less substantive issue, if I can put it in that way.

764

00:44:38.865 --> 00:44:40.565

Um, in, in what's been said,

765

00:44:42.005 --> 00:44:44.925

I, I can't recall offhand whether that question was

766

00:44:44.945 --> 00:44:48.885

to both yourselves and the app, uh, natural England

767

00:44:49.825 --> 00:44:51.245

or with it was Natural England,

768

00:44:51.305 --> 00:44:55.525

but I think we took a, a general approach for some

769

00:44:55.525 --> 00:44:57.485  
of the queries raised by both Natural England

770

00:44:57.585 --> 00:44:59.765  
and for that matter, MMO, that

771

00:44:59.765 --> 00:45:02.245  
where there were outstanding matters at the time

772

00:45:02.245 --> 00:45:04.565  
that the Reese was written, um,

773

00:45:04.715 --> 00:45:07.085  
that if those outstanding matters, um,

774

00:45:07.795 --> 00:45:10.005  
they in effect didn't accept

775

00:45:10.035 --> 00:45:13.845  
what was being said in particularly the HRA report update,

776

00:45:14.435 --> 00:45:15.805  
then we asked them to try

777

00:45:15.805 --> 00:45:18.885  
and provide an explanation as to why they didn't concur.

778

00:45:20.305 --> 00:45:23.445  
So that may assist in that process In terms

779

00:45:23.445 --> 00:45:24.805  
of letting more clarity,

780

00:45:25.565 --> 00:45:27.605  
I I, I'm sure James Strong the applicant.

781

00:45:27.665 --> 00:45:29.405  
I'm sure it will, and I'm grateful for,

782

00:45:29.425 --> 00:45:31.565

for focusing on that point.

783

00:45:37.695 --> 00:45:38.165

Thank you

784

00:45:49.475 --> 00:45:50.375

Mr. Mr. Strong.

785

00:45:51.035 --> 00:45:53.015

I'm so sorry. It is late end of the day,

786

00:45:53.015 --> 00:45:54.055

James Strom for the applicant.

787

00:45:54.685 --> 00:45:58.615

Just one matter of procedure, um, concerning the

788

00:45:59.155 --> 00:46:02.935

change request that's coming your way next Wednesday.

789

00:46:03.035 --> 00:46:07.375

The pins guidance, uh,

790

00:46:07.735 --> 00:46:10.975

suggests that the change request should be accompanied

791

00:46:11.515 --> 00:46:15.535

by a track change version of the original

792

00:46:15.595 --> 00:46:17.855

of the DCO and our que

793

00:46:17.915 --> 00:46:21.295

and subject to clarification from the examining authority.

794

00:46:21.795 --> 00:46:24.695

The question we have for you is whether you want

795

00:46:25.535 --> 00:46:30.055

a track change version of the original DCO as submitted

796

00:46:30.995 --> 00:46:34.455  
or a track change version of the DC0, um,

797

00:46:34.795 --> 00:46:37.615  
as it currently stands with the amendments.

798

00:46:37.875 --> 00:46:41.775  
And that's really to make sure we give you the right, uh,

799

00:46:41.775 --> 00:46:44.055  
what's most gonna be most useful to you? I,

800

00:46:44.895 --> 00:46:46.615  
I think for everybody,

801

00:46:46.615 --> 00:46:49.855  
and that's not just the examining authority, it, it's ips,

802

00:46:50.195 --> 00:46:53.215  
it will be the, the most up to date version

803

00:46:53.725 --> 00:46:56.415  
because there's been quite a lot of movement, not least some

804

00:46:56.415 --> 00:46:58.935  
of the original articles have gone and,

805

00:46:58.935 --> 00:47:00.255  
or some of the requirements have gone,

806

00:47:01.375 --> 00:47:05.295  
albeit the helpfully held, held the vacant numbers so

807

00:47:05.295 --> 00:47:07.735  
that the numbering doesn't get too muddled.

808

00:47:08.075 --> 00:47:12.215  
So yes, we, we would, um, see

809

00:47:12.285 --> 00:47:14.895

that it should be the most up-to-date version.

810

00:47:15.195 --> 00:47:16.695

So that's the deadline six version.

811

00:47:16.835 --> 00:47:18.255

That's very clear. Thank you very much.

812

00:47:21.915 --> 00:47:24.815

Was there anything else from the applicant's side? No.

813

00:47:25.525 --> 00:47:30.205

Okay. Um, as we mentioned earlier, albeit that Ev, ev,

814

00:47:30.265 --> 00:47:31.325

all the other ips

815

00:47:31.325 --> 00:47:35.405

and the Harbor Master have now left in terms of the, um,

816

00:47:36.665 --> 00:47:38.525

action points arising from this hearing.

817

00:47:38.785 --> 00:47:42.485

If, if you can circulate what you've got to the parties

818

00:47:42.665 --> 00:47:47.005

as soon as possible, um, hopefully they will respond

819

00:47:47.005 --> 00:47:49.045

and we'll have something up by early next week

820

00:47:49.785 --> 00:47:52.525

and be able to get it out, um, as quickly as possible.

821

00:47:54.225 --> 00:47:57.965

Um, I presume there's nothing else finally

822

00:47:58.035 --> 00:47:59.685

that the applicant wants to raise with us

823

00:47:59.705 --> 00:48:02.805  
before I formally close. Uh,

824

00:48:03.385 --> 00:48:04.385  
No sir. Just

825

00:48:04.385 --> 00:48:05.165  
to thank you very much.

826

00:48:06.155 --> 00:48:10.525  
Okay. Um, issue specific hearing six is

827

00:48:10.525 --> 00:48:11.845  
therefore, um, closed.

828

00:48:11.845 --> 00:48:12.485  
Thank you very much.