

ISH5 Pt2

0:02

OK. Welcome back everybody. Thank you. The time is 11:35 and and this issue specific hearing is resumed.

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What I'd now like to move on to is agenda item 5 which is construction effects and and just by way of a sort of bit of sort of context and background. So the questions we're going to ask and we've we've seen the responses that we that you provided onto our first written questions. And in light of these, I think really what we want to do is focus on work area #9. That'll be the main sort of focus for our our questions and which is the proposed temporary construction and and lay down area and but it also includes a number of related activities including the creation of temporary access Rd

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from the Port Rd and some other associated temporary works as well

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do some DR1 submissions from a number of parties including and polynt Composites UK Limited who are actually the owners of the land from what we understand and PD Port Services Limited who operate from the opposite side of LaPorte Rd. We did invite them to come along but I'm not sure they they they are here but

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that would have been useful but they're not. And I also understand that on Wednesday next week as part of our ASA we're gonna see work area #9 and we'll get a chance to see in particular sort of the PD port services operation and and their access

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and we're also aware that you provided us at DL2 with responses to their comments as well. So we we've seen, we've seen all of that. So it's in that sort of context that that we've we've we've got some questions and it's really just to sort of help our our understanding a little bit more of the information that that you've provided us provided to us to date.

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So really sort of if I could sort of kick off with sort of the first question and and it's relates to the overall reasoning behind the selection for work number 9 and in particular what are the benefits of the proposed development from from using this land. And we also know I think you identified that there were no other alternatives and it be helpful just to explain if you could explain a little bit more detail why no alternatives are suitable in light of those benefits as well. Thank you. Sir Harry would support Casey on behalf of the applicant. I'm going to ask Mr Robson to deal with those

2:16

points

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time in our offseason products. Speaking for the applicant

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with regard to why the Area for Work Nine was chosen, I think it would be useful if to start with I explained the intended purpose of Work 9.

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The intention is it will be used for two main areas. The 1st is for temporary laydown of equipment and materials prior to installation in the in the finished project, and the 2nd is for some car parking area for construction workers.

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And

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with with regard to the temporary laydown, just to elaborate on that point, if materials are delivered to the construction site before the construction site is actually ready to receive them, it may be a piece of equipment, it may be a reel of cable or an individual pipe, spool or a valve so it's actually objects. Then they would be taken to the laydown area and temporarily stored before they could be installed in the final

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projects.

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The area work 9:00 will be used to support the immediately adjacent work areas. So it would be works one

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2/3, 4:00 and 5:00 during phase one of the construction

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of the construction phase. So importantly, we wouldn't be using work 9 to support lay down for work area 7.

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Which work every seven will use land and space within work 7 to support the construction of that area of the project.

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So if I move to the the key factors which would make a a lay down area such as this suitable

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the the primary factor is proximity to the work.

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Having a lay down area that's further away from the final construction area

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essentially increases the the traffic, HDV traffic and the work of traffic backwards and forwards across the roads between the two areas.

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Having a lay down area that's further away also affects construction productivity

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in that time is lost

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for the installation work, waiting for materials or because the workers have to go to that that site to get it

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and decrease in construction productivity also has environmental impacts in it that it extends the construction duration and ultimately leads to further construction traffic.

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It's noted in the statement Statement of reasons which is AS008

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paragraph 4.4 point 6.1

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which which notes that the need for temporary possession of this land arises given to its proximity to both the jetty and the east site which is the east site is works

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3-4 and five.

6:01

A second factor

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in the to to establish the suitability of a laid our area is its ability to position and move items easily and safely. So essentially the the the laydown area needs to be flat. It needs to be large enough,

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and it also needs to have a reasonable work Rd access so that the journey between the lay down area and the construction

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area is not extended. And it also doesn't involve Rd crossings or extensive use of the road network.

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And the third factor is that the land must be available to lease, or at least not in any current use. That makes its use for temporary laydown. Not possible.

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So

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as a as a summary, to to minimise the environmental impact of the temporary laydown area, it must be close to the to the construction area. Fundamentally it must be large and flat, with minimal Rd interfaces between the two areas.

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If if you look at the the the sighting of work 9,

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it can be seen that it

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in regard to those factors it scores very well. It is immediately adjacent to Works 1234 and Five.

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It's separated from those construction areas only by a very short section of Newport Rd.

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It's large and it's flat allowing

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the the placement and lifting and transportation of equipment items to be easier and it's also available to lease

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through private private agreement or and that it's not in the current use that prevents its use as as temporary laid out.

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You the the, the question as to what the benefits of of using this this portion of land and I think they relate to the factors for suitability which I've just outlined.

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In that the benefits of using Work 9 compared to any other area

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are that

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it reduces the the the traffic

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between the two sites and also the double handling of the material that's primarily driven due to proximity.

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It minimises the risks to construction workers involved in using the area in in terms of lifting materials transportation,

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and that's largely due to the fact that there's plenty of of space.

9:07
It minimises the disruption to other road users, primarily driven to proximity in that there's only a very short section of the Report Rd that will be affected

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and it minimises the productivity impact on the construction work, again driven by proximity

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with with regard to alternative sites.

9:32
Uh,

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I I think looking again at the overall layout of the site and and given the emphasis I've put on proximity, it's apparent that there isn't a a work area that is any closer to the construction

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work areas than work 9.

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Any other site

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that would inevitably be further away

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and therefore would have further environmental impacts in terms of increased traffic and increased use of the of of public roads.

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Any any extended use of roads for transportation of equipment has safety impacts in that the risk of accidents has increased the further the site is away

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and it has impacts on the overall project in terms of loss of schedule and loss of productivity which as I mentioned before

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drive the increased impact in terms of traffic and and duration.

10:56

Thank you that I think that was that was helpful to sort of take us through through that that was useful.

11:02

What I'd like to do now is perhaps sort of just look at some of the particular impacts from it. So any sort of turning in particular to to construction traffic and traffic that would be would be generated from it. And I think it would be helpful if I could ask you to explain

11:16

what the level of traffic is, what the mix of construction traffic is anticipated to be generated from, from work number 9. And in particular, what assessment has been undertaken of that traffic, both in relation to existing traffic on the Port Rd, but other operators and and other sort of uses in that area.

11:33

We're going to ask Mr Tucker to deal with those matters.

11:37

Thank you. Hello, Simon Tucker from DTA on behalf of of the applicant. So noting what you said earlier that you've seen the, the responses, I'll keep this sort of necessarily

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and breathe. But the starting point for the assessment, it would be Table 1124 of Chapter 11, which is the transport chapter of the ES, that's AP055, sorry, 5/3

12:02

and and on road Road 10 of that table you'll see LaPorte Rd between Queens Road and Kilns and Kiln Lane. Hold, sorry, I've just got what was the reference. I'm sorry, I'm going too fast. It's 11, Table 11-24, thank you. It's on page 50. It's actually on page 54. But if you go to page 55, which is the table runs across 2 pages,

12:27

you'll see there the assessment in the ES which set out the baseline traffic flows on port Rd, and then in the 4th, 5th column the construction traffic forecast. And you'll see there that there's a total of

12:40

319 vehicles that's per day on that section of the road and 0 HGV's.

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Now the reason for that is that this point is to the east of

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the. Access to Works #9

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and as you'll recall from our discussions a couple of weeks ago, the construction traffic management plan secures the routing of all HGV's via Queens Road and Newport Rd. So there won't be any traffic HGV traffic

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turning left out of work #9 access and going along LaPorte Rd. So that section that passes PD port services and and the other local users will only be car traffic rather than HGV traffic on that section of of Laport Rd

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that in environment. I might just ask I've got plans in front of me now if you just just ask you just to explain that point again just that I've I've got that's clear in my mind sure. So I don't know which plan you've got in front of you. For ease, I've just got the work plan open,

13:44

OK. So if you see the work plan on, you've got work number #9

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on the planning,

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right? I guess. So the point at which that

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census, if you like is taken as to the east or the South East of work #9. So all HGV traffic arriving at work #9 will have come from the West, it will have come from Queens Rd, Lamport Rd Junction and into the sites. Some of the staff movements to the site will come for example from Grimsby and they will arrive from the east. So that's why there's that 320 ish vehicles per day routing past those two adjacent accesses. So in terms of changing flows on

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the Port Rd to the east, it will only be car traffic and it will only be

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319 vehicles a day, which is assessed to be of not, not material significance in the environmental

statement. In terms of peak hours, those numbers are obviously much lower because the forecast is about 70 vehicles a day, sorry, 70 vehicles in the peak hours using those that link,

15:00

which in the context of the flows on the road at the moment won't have any material impact in terms of, for example, the individual junction operation of those adjacent uses.

15:11

Sorry to cut across Again, I'm just gonna rehearse what I think you've told me, so I know that I've got it, if that's OK from the plan. So, so for an HGV point of view, that HGV will come Queens Road. It will swing into the Port Rd across where it's shown as work number four and then then turn into work area #9 when it was exiting. It would go that route but in the opposite direction. Absolutely correct. OK. So, so the reason I asked the question is that I think you mentioned that it would have no impact on ports because the PD port access is a bit further down,

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but there will still be HGV's in close proximity to that junction to the access where PD ports are there. So there will be, sorry. So the the, the access to works #9 is, is effectively opposite the access to PD port services. So there will be some interaction if you like between vehicles turning in and out of of both of those side roads. But again in terms of the peak hour movements, there's 59 HGV's a day forecast to use works #9 that

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goes down to about 6 an hour, so one every 10 minutes broadly and that's two ways, so three in an hour and 3, three hour to an hour. So in terms of interaction with the PD ports access, it won't have any capacity or operational implications in that respect.

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And just in terms of those numbers you've just given me, where where can I find those or is that the makeup of the 319 in the table? So probably the most

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straightforward place at the moment to take you to is Rep 2014, which was our response to PD Ports.

16:58

And on page

17:01

it's page five of the PDF, page three of the document, in response to their questions or their comments 2.8 to 2.11. I've set out there the

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use of the work number 9 access as Mr. Robinson has just described, and then the traffic flow numbers that that derive arise from it.

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OK, thank you and thank you for bearing with me while I I sort of got my understanding of of that.

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The other sort of question when to looking at the work plans I suppose is is

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in terms of Work #4 in particular would involve possibly some closure of that road or some temporary closure that are how does what's proposed at Work #4 impact on access to work number 9 and how would that be managed?

18:08

Thank you Sir Simon Tucker on behalf of the applicant. So again as we discussed at the last, last hearing, Work #4 is going to likely involve closure of Newport Rd

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and at the moment and yes we've assessed for that to be up to four a four week.

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And the intention at the moment is we need to sort of programming when it's actually going to to take place.

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But there will be a period between two and four weeks where it won't be possible to access Work #9 for for HGV from Port Rd. So they'll sorry from the Queens Road end. So as with

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PDS ports and in fact anybody else that uses that road, there will be that temporary diversion that we assessed in the environment assessment that would require vehicles to go effectively through Kiln Lane industrial estate, which is to the SW to enter those properties including work #9. But it will be for a very short period of time

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and what discussions have you had with PD ports or any other sort of operators along there to make them aware of of that and what is the process for notifying them of when those sort of closures are likely to to occur.

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So the sorry Simon, Simon Tucker on behalf of of the applicant taking you back to the outline Construction Traffic Management plan

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and that is the latest version is Rep one.

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So I'll get that in a second 006

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Sorry, can I just check that reference? Is that Ohh I'm told it is right.

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We've got a number of of of measures in there in terms of informing,

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but any relevant stakeholder in terms of forward planning of Rd works generally and we talked before about there'll be other temporary requirements for traffic management. So there is a process set out in Section 6 of Rev 1 double O 6 in terms of consultation, which will be.

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Consultation with all local stakeholders including of course agreement with now because the local highway authority. And then if I take you to section 2.9 as well, there's a process set out there for the provision and advanced warning of Rd works in terms of signage, obviously setting out diversion routes and and the like. So all stakeholders will be made aware in advance of the timing, duration and what the alternative arrangements are going to be in place.

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Thank you.

20:52

On on that particular point, was there anything else knelt card or any concerns that Nell had in in terms of the way the applicants looking to address that temporary sort of short term closure.

21:03

Thank you Richard Lemon NE Links Council and I haven't yet had my comments back on this specific point from our highways team. I understand the applicants in those discussions with directly with the highways officers. So I'm hoping to get that in the next couple of weeks.

21:19

Thank you. OK that if you if you have any update you can provide yeah certainly Simon Tucker on behalf of the applicant. So we we as as we said we're we are in discussions with

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the the highway team about a variety of things and there's a agenda item for next week to to talk about that. One of them is the detail of the crossing and the timing that the discussions that we've had

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so far have been positive that they've they've they've accept that we will need to close the road for a period of time to to produce the necessary infrastructure

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that that's been reported to me as not being an issue in principle. It is a matter of detail that we need to get the design right and we need to get the traffic management right at the appropriate stage.

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But I'm not expecting any,

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sorry. I am expecting positively that they will be happy with that as a proposal that we'll talk in more detail next week I'm sure. But

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that will be that is being picked up and will be reported in the statement of common ground when we when we get to it.

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OK that that's a helpful update. It sounds like it's a sort of matter that if we have any further questions it'll probably form part of our written questions too in terms of of May once we've got the position that that that you get to. So I think that's how we we can sort of do that and so perhaps leave that for now. That's helpful. Thank you.

22:44

Having sort of discussed traffic, it would just be helpful to sort of then look at sort of just broad mitigation in terms of work number 9 and in terms of sort of what mitigation measures are proposed and and how these would be secured. But also in terms of the process for returning the land to the land owner at the end of the the temporary. And again, we're probably sort of swaying a little bit into some of the the CAH type of things that we might discuss tomorrow. But it would be helpful to understand what it is, what the mechanism is, is for that,

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what measures are in place to sort of ensure that the the app, sorry, that the landowner is sort of taking that land back in a satisfactory situation, sort of condition.

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Howard Philpott, Casey On behalf of the applicants I'm going to ask Mr. Lewis to deal with the mitigation measures.

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I'm in this for the applicant's The most important thing to remember about Work #9 is is obviously part of the the the the order limits. In any event the O SEMP which the latest version is at Rep 2004 and the final sentence that will be produced subsequent to that which are secured under draught requirements. Six of the Co, which is Rep one O 16 is applicable to to work #9. In any event

24:03

that the OM is a includes a front piece with a large number of generic measures which will be relevant to Work number 9 and also a series of tables. And within those tables wherever we denote all works or work #9 that those protections, those measures will be relevant to work number 9. And there are also some specific measures directly relevant to work number 9. And I'll just briefly outline what those are. And as I say, you can actually

24:37

sort of decode those by looking at the tables. But um, briefly in summary, in relation to water bowls, in order to avoid damage, loss of habitat, supporting water voles which are present in the ditch to the east of site of Work #9 at the base of the sea wall, we would demand Denmark a buffer zone of a minimum of 10 metres around the around the temporary construction compound.

25:02

That's on page 24 within Table 5.

25:07

On page 56. In Table 15, we state the ground within the temporary construction area. Work #9 will be covered with a breathable heavy duty mat protection to prevent any undue environmental impact.

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And again all these measures obviously secured by mechanism of the the DCO. We also state at the same location that Bridleway 36 will be rerouted around the perimeter of Works #9 on the North Beckside. The bridleway diversion shall be fenced on both sides to prevent any access to either Work 9 or or to the local Sorry or to the North Beck flood defence. The route of the bridleway shall be more than one metre away from the landward tow. The flood defence so that that provides the mitigation measure for the bridleway diversion,

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and then further on page 62. In relation to impact soils, we use similar wording in relation to the ground map protection. But then we do state at at the end of that cell, following the completion of construction activities, agricultural land taken on a temporary basis will be restored and returned to the landowner for agricultural use. And as I understand it, that is secured further to the to the scene that is also secured by an article in the DC O, which I think is Article 31

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at Sir Harry Would Philpott KC on behalf of the applicant. Yes, just to pick up that last point, it is Article 31 Five that Article 31 is dealing with temporary use for construction, and it provides that before giving up possession of land of which temporary possession has been taken. Under this article,

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the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land. And then there are a series of exceptions to in terms of what is not required in the event that there is a dispute as to whether or not it has been restored to the reasonable satisfaction and that that thus whether it's

27:20

potentially whether the owners requirements are unreasonable or reasonable, whether it's been done in a reasonable way. There is the opportunity for arbitration of any dispute pursuant to Article 62. Although as Article 31 Six makes clear that if there is such a dispute that doesn't prevent the giving up of possession, possession of me given up, but the dispute then goes through arbitration

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and whatever comes out of that determines what has to happen,

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Thank you. That's that's useful to sort of go through that. And

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just before, I think that's probably the end of my question. I just want to check if Nelk have anything in particular, whether there's any sort of comments they have in terms of the mitigation where there's anything on there, the Bridle way in particular in terms of

28:23

comments that you may receive from from colleagues about the approach that the applicants sort of taken to that.

28:28

Thank you, Richard Lemon NE links Council and no, I've not got any comments on that and our Rights of way officer as far as I can recall hasn't sort of raised any concerns in regards to the bride away in particular. Thank you.

28:42

OK, thank you. And that's the end of my my questions on that. But I just want to just check if there's anybody online who has had anything that they want to raise on on this matter before I move on to the next item on the agenda.

28:56

I'm not seeing any hands up and I'm guessing there's there's nothing else in the room. So I'll have to that wraps up sort of #5 on the agenda and I'll move on to to number six and have to missus Taylor.

29:10

Thank you, Mr. Hunter. So moving on to agenda item 6, cumulative effects

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and looking at the potential community cumulative effects of the proposed development along with other developments either permitted or proposed nearby, namely the Immingham Eastern Roro terminal and the Viking CCS pipeline.

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There are two aspects in particular that I'd like to home in on during this hearing, these being traffic and transport, and secondly socioeconomic effects.

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I'm conscious that there are others, but these will be picked up as necessary by my colleagues during other issue specific hearings. But we may wish to revisit traffic and transport and socio economic impacts and effects during those issue specific hearings as well.

30:00

So firstly, in relation to traffic and transport

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to the applicant, could you please summarise how you assessed the cumulative transport effects of this proposal along with Immingham, Row Row and the Viking proposals, and how you arrived at the

conclusion in the deadline? One submission Rep 1043, that the combined traffic from all three projects in 2026 results in either a negligible or minor not significant effect.

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Thank you Madam Harewood, Philpott Casey. On behalf of the applicants, I'm going to ask Mr Tucker to respond on the transport matters.

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Thank thank you Simon Tucker for the for the applicant. So firstly, just stepping back at

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a moment, the original ES included Immingham Eastern Railroad Terminal as a as a cumulative development. So that was assessed as part of the

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original Chapter 11 assessment. What Rep 1043 did at

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the request of of the examination was also include Viking CCS traffic and into that assessment

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and the traffic and transport element of of that is set out to annex A which you as you've noted and the process that we went through to assess that cumulative impact. If I could take you to Table A1 to begin with, if you've got that handy,

31:38

umm,

31:43

it's on page 19. Ohh, whoops.

31:59

So on. On this table we've got the same links as we're assessed in the environmental assessment in, in individual rows and then we've split out the construction traffic relating to Viking CCS.

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I get the this, this application and then I the immune Eastern Railroad terminal and have set those out individually for each of those links and then added them together. Just looking at this table first just for context, which I think is quite important is that the Viking CCS scheme as a whole doesn't generate very significant numbers of traffic at all on our network, which is predominantly the A1173.

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And the reason for that is that they, although it's a long, well, sorry, the reason for that is it's a very long scheme,

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geographically lengthy scheme at the Viking CCS and it has various points where material and and

and staff will go to work along along the routes. All of the HGV access to to the Viking scheme is either via the A180 or via the A 160 to the to the West. So there's no HGV traffic forecast on the A1173

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on our earlier if you like if everyone 70 are you north of the A180 at all and and very limited level of staff movements which is the for example row two there on the A1173 you've got 97 vehicle movements for Viking.

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So the level of the impact of Viking in adding it in in isolation or cumulatively is very small compared to the overall impacts as as assessed

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the

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there is traffic HGV traffic generated by Viking on on the A180A1173 JCT which I'll come back to in a moment, but just in terms of process. So that that was the data that was collected from the from the applications table. A2, which is on the following page sets out percentage increases over those movements cumulatively. And again that's the same approach.

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Sorry, that was the same approach that was taken in the original environmental statement.

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And then table A three considers the magnitude of the impact. You'll see the majority of those are very low or low. The

34:34

outliers to that if I can call on those is is Rose Two and three which is the A1173 and and Queens Road where the the the change was effectively as the magnitude was assessed as medium

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which is actually consistent with the original

34:51

yes, because that already included I Hearts but didn't include Viking. But the effect of Vikings very modest in the overall in the overall assessment. And then finally, so to go to Table A four, the significance of effects, you'll see that those were assessed as being either minor not significant or negligible not significant. On those on those links

35:12

I can take three of you need it, but in Appendix A1 of that there's the the assessment criteria that we would we'd gone through to reach those conclusions in terms of the level of change and flows and the

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and the and the sensitivity of the receptors.

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Thank you. That was helpful whilst we're looking at these tables and we'd be grateful if you could just explain to us please

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with in relation to

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three and four the Queens Rd East Siton W site.

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Could you just clarify please what what you mean by East side and West side?

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Yes, so, so I I think probably we will need to produce a plan to show where those I was going to ask that would be very helpful. Simon Tucker for the applicant. I I think the the most the easiest way to do that would be for me to provide is basically related to where the accesses are on Queens Road to the construction compounds

36:13

which therefore have a different level of traffic arriving at them for construction purposes. But if I if I provided a plan that showed that that would clarify that for you, I think would you be able to produce that at deadline three? Certainly yes. Thank you.

36:28

So there was a yes, Mr. Hunter, sorry, just just a question on that. As well as that it would be helpful to explain how they both have different sensitivities as well. So one's got low and ones because to my reading of that they're almost the same receptor.

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So that plan will help define that. But why ones lower and ones medium as well in terms of their sensitivity

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which is on table a three? Sorry. If you see #3 is a low and #4 is a medium

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yes, so the the yes that's fine. I can I can show that on the. It's to do with the the activity if you like on the road, the other the other users of the road and the sensitivity of them. And as you go

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it is very

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around

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the

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the standard of the road is different basically which is why it's got a different receptor but a different sensitivity. But I can't show that on the plan as well. So yeah that that that would be helpful because if we then if we were you know if they both had a medium sensitivity and following your tables then they would be significant impacts. I think so. So I think we really need to understand why that's a no given. As you read it, they almost sound like the same, the same receptor.

38:01
So on page 18 of the of Annex A of the same document

38:07
Umm,

38:10
you state this differs from that included within the environmental statement and provides A robust level of assessment. Could you please expand on this and explain

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how it differs and why in your view it provides A robust level of assessment.

38:30
Thank you Sir Simon Tucker for the applicant. So in the in the environmental statement we took the 2026 baseline and added cumulative developments from

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all of the shortlist and the long list into the baseline.

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With this assessment we just took the baseline and added on only Viking and higher to those to to the numbers. And what that means is that the baseline that we've tested, so the 2026 flows are actually lower than we're than the the baseline was assumed in the environmental statement because it excludes those other developments and therefore the percentage increase arising from those humans developments will be higher. Therefore it's a more robust process because if we'd have kept it,

39:22
kept them in the percentage increase would have been lower. So that that's that's what that was intended to to say.

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Yes. If you could include that in your post hearing note, that would be helpful. That's fine. Yeah. Thank you.

39:39

So at this point, would the local authority like to respond and I'm conscious also we may have someone from National Highways online. So after Nelk have commented, I'll invite National Highways to respond. Thank you. Yes, thank you. Richard Limmer from NE Links Council. And I think this is a similar situation to the last point in that the applicants in discussions with my highways colleagues, but I haven't yet got a full response from my highways team yet. But those discussions are ongoing and hopefully we'll be able to resolve that.

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In the next few weeks. Thank you.

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Thank you. And national highways, do we have you online? Yes, Mr. Brown, thank you. Yes, you do. And

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I want to thank you for raising the issue of of our king in the assessments where as soon as I saw that I thought I haven't seen barking in the assessments but Mr Tucker has clarified the the the routes taken to this today which is which seems generally satisfactory.

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I am,

40:42

I'm sure that he will be after the hearing of the specific assumptions he made so that we can check those and and that reassure ourselves that the assumptions are are are fine.

40:55

Thank you. You were breaking up a little bit, Mr. Brown. So can I just clarify that you're reasonably happy with that explanation, but your parties will continue to talk? If I understood that correctly, indeed we will

41:10

and indeed we will, yes.

41:13

Would the applicant like to respond?

41:16

Thank you Simon Tucker for the for the applicant. As Mr. Brown said, we are in discussions you'll you'll have seen National highways produced a a technical note to a deadline one which raised some outstanding queries on the modelling that we've provided with them. And as I've confirmed to Mr. Brown separately, we'll be including the Viking traffic in that that assessment as well. So that when they get the response to our response to their Rep one O 8, two comments that will make sure it wraps

41:48

everything up together. So they'll see the explanation and the detail and also the outcome of that that and that specifically relates to modelling at the A18. Sorry that was the point I was going to come back to earlier that I forgot that that specifically relates to that relates to the A1A T A1173 JCT modelling as opposed to the environmental assessment bit that we've just talked about now. But it will cover both. Will be covered by Viking,

42:14

thank you. So unless other any other IP's or any of my colleagues have anything to add on traffic, I'll move on to socioeconomic effects and in particular thinking about employment and housing related issues.

42:29

Umm.

42:31

So again to the applicant you've identified it as in Rep 1043, Table 5A, quote Large beneficial bracket, significant effect in relation to employment during the construction phase of this proposal considered alongside the proposed Viking development.

42:51

Could you confirm please that you've also factored in the Immingham Row Row project? And could you explain how you assessed whether there is a sufficient pool of potential employees to service the construction phases of all three developments? Hereward Phillipott, Casey on behalf of the applicant. Madam again, to ask Mr Aaron Lewis to deal with these socioeconomic questions.

43:18

Alan Lewis for the applicant in relation to the incorporation of Ayotte. My understanding is that the assessment of large beneficial, in fact actually major beneficial in the standalone assessment for the socioeconomics in relation to employment

43:38

is is as I say major beneficial. With Viking together with iget it would be major beneficial or large beneficial and those terms being equivalent IRT would not change that conclusion. I would need to go back to the technical team and provide a written response as to whether I hurt is implicitly embedded within the Viking assessment. But what what I can say at this stage, it wouldn't change the conclusion essentially in respect

44:11

of I get and Viking together. What the additional information that's available in the Viking application enables us to do is to confirm that that major beneficial effect is, is more certain to arise. But I will have to take away the question about the whether I hurt is embedded within the calculations. Thank you. So you can submit that deadline three, we'll submit a note on that deadline three, right. Thank you for that.

44:43

Sorry, there was one more point that I missed that. Are there enough people basically

44:48

of all the evidence we've we've got and again we can add this to the note is that there's a sufficient labour pool within the local area to support the construction of all three projects. So that would be I get Viking and I hurt, but we will provide a note on that and and provide more detail for you.

45:09

Thank you for before I ask the local authority respond to respond, I'd just like to turn to the housing issue because I mean they're, they're they're quite closely related. So turning to housing related issues, a similar question how have you assessed the likely accommodation requirements of construction workers moving into the area on a temporary basis and the adequacy of the supply of temporary housing

45:34

and the cumulative effects on housing supply of all three developments.

45:41

A list of the applicant again probably one for the for the written note but just to just in headline terms we do consider there is to be sufficient capacity of private rental accommodation to meet the demand for construction workers for all three projects. But again I'll take that away simply because I'm not quite clear on the the summary I've got in front of me that that I hurt is embedded within those calculations. I can I can confirm that Viking together with I get is embedded within the summer I've got

46:14

in front of me. Yes, thank you. And any any evidence that you can provide to back that up would be helpful.

46:21

We'll do that, Madam.

46:23

So would the Council like to respond?

46:28

Thank you, Richard. Lemon NE links council. And I think on those points what we would seek is to review the note being done by the applicant and and come back after that if that's OK.

46:40

Thank. Thank you for that.

46:43

Do any of the interested parties online wish to make any comment at this stage?

46:56

In that case, that I believe concludes Cumulative effects.

47:01

So I'll hand back to Mr. Hunter for the next item.

47:07

Thank you, Mrs. Taylor. And the next item is on the Draught development consent order. I'm just wondering where the applicant needs a bit of time just to readjust your team before I

47:16

jump into things. Well so the the team for this item is largely me. So, OK,

47:25

so I I'm happy to move straight into this. If there are matters that require input from others, I I'm sure they can be. Yes I I I think they're

47:37

they're they're going to be assembling so I don't think we need very long Sir. Ohh well fair enough. I will, I will, I will carry on while

47:45

people are taking their seats and it seems to make sense.

47:48

So again just a bit sort of context, we're aware that you know since our last hearing and our subsequent written questions both the the the DC and explanatory memorandum have been updated and submitted to us being references RP1016 and R AP1004 respectively.

48:11

And and just given these changes, I think before we get into some of the detail points around the specific articles and schedules and it'd be helpful if you could sort of give us a a brief overview of the main changes made and the reasons why we're only looking at sort of substantive changes as well not typos and and and drafting points. But also we were just it was sort of a a question from from from ourselves and they've got a colleague with you. I don't know. You need to. I know he's not speaking. But it might be helpful to know who your colleague is because we were querying yesterday, because he was helpfully providing you with answers but we weren't sure who

48:44

know what he's wrong. So I I learned to introduce himself in a moment. This is Sheridan Trigger, who's from BCLP, who instructing me on behalf of a associated British ports. And Mr Treger is the, I think, principal author of the Development consent order. So I'm I'm, I'm

49:08

happy for him to say anything more about that. That's not that's not gonna speak it. It just helped us to to understand. We presumed that was the case, but I think it just just helps us.

49:19

So what I've then proposed to do by way of dealing with the first matter and I'll I'll deal with the DCO 1st and then the explanatory memorandum and and conscious that you've asked for a brief overview.

We have of course put in a deadline one as Rep 1014, a schedule which describes in detail each of the changes and that that is 55 pages in length and I don't propose to go through all of that. That would neither be brief or

49:52

an overview. What I would say in order to provide a brief overview is, first of all, the reasons for the changes that have been made at this stage are the usual combination of

50:08

clarification and tidying up and following the applicant's own review, and then responses to matters that have been raised by you and your colleagues in written questions, and also in response to points raised in the last round of hearings and then comments from various interested parties. But if I can, if I can provide them an overview of the substantive changes, a number of amendments have been made at the request of the Harbour Master

50:40

number and also Trinity House. So some of those relate to definitions that relate to their functions,

50:50

others relate to protective provisions. For as you'll see in the DCO, the Statutory Conservancy and Navigation Authority. And those protected provisions are in agreed form.

51:05

And Articles 49 and 51 have been amended where applicable to Trinity House directions. And Trinity House has also been removed, so far as its functions are concerned, from the DC O's arbitration provisions.

51:27

Next item of substantive changes, the Harbours, Docks, and Piers Clauses Act, 1847, and various parts of which in the usual way are incorporated by Article 4. In this case, the ongoing review of which clauses within that Act ought to be incorporated has led to some removals and some additional incorporations. Those are explained

52:00

in the schedule and apart from those who are real enthusiasts and devotees of the art of DCA drafting, I don't think there's much to be gained by going through those individual clauses in the hearing. Next heading is Article 6 that has been clarified, clarifying the securing of the lateral parameters of the dredged pocket on the works plans and also that as part of the top side infrastructure

52:34

that can include shelters. So it's just clarification of those points.

52:39

The requirements have been amended to rationalise the use of the word commence, which obviously has a particular definition that we explored in the last round of hearings. And I understand we're going to come back to in due course, reducing the use of the word commence in favour of beginning of construction in order to avoid bringing with it the exceptions to works that can be carried out

53:13

before the discharge of certain requirements. And then the final heading of substantive changes at various amendments made to the dead marine licence at the request of the MMO. And those are and

53:33

amendments that don't touch on the items of controversy that we dealt with yesterday in the in the hearing. So those are agreed matters

53:45

so far as the explanatory Memorandum is concerned. And there are broadly 3 categories of of change. And the first is that it reflects in a limited number of instances, changes that are made to the Draught Development Consent Order. So by way of example. And there are updates to paragraph 12, point 4.1 which deal with the amendments,

54:18

two definitions in Schedule 2 to the requirements. But those are those changes. That first character of change is relatively limited because in most of the cases where changes have been made to the Draught Development Consent Order, it doesn't actually change. The explanation

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as to what the DCO does and why that that is unaffected by the individual change. The second category of change, which accounts for

54:49

the vast majority of the changes and also in particular accounts for most of the additional text which has been added because some of the changes are relatively extensive. The second category is essentially to provide more detail, clarification and explanation of an existing provisions within the Draught Development Consent Order. And that has been done

55:21

largely stimulated by the first round of hearings where it became apparent that so far as we could discern that the examining authority thought that there might be a assistance in providing more detail in the explanation in the draught easier. So we've sought to do that and we've taken on board in selecting where and how far to go in that, the written questions that have been asked, questions that came out during the first round of hearings

55:54

and further explanation that we have provided in response to points raised by interested parties. So there is a significant degree of crossover with the answers that we have given to written questions in your discern that, but we thought it helpful to incorporate that and where appropriate

56:15

into the explanatory memorandum so that it's all there in in one place. And then the third category of changes in the explanatory memorandum is the correction of minor points in tidying up of drafting and which is just part of the usual process as and when points are spotted.

56:34

So that's, that's a brief overview. I hope that's sufficient for the purpose of that first item. It is. Thank you very much. And that was just just helpful just to sort of go through some of the reasons behind some of those changes and and that's I think so I think that that's helpful.

56:49

I think probably the next thing to do sort of move on to the the sort of

56:54

the next part of the agenda in terms of sort of the the articles and the schedules that we've sort of looked to in sort of go through those. And but a bit perhaps a bit similar to to yesterday where with the, the contentious between the the MO you sort of highlighted where there may be points where you do not necessarily think you are going to reach an agreement on by the end of the year. The examination. I think that would be helpful if we have that sort of same thought process in our mind as well. So if there are areas where you're conscious that you know discussions are ongoing but it seems to be that position may not be achieved, then at least we know where we're sort of looking at and sort of

57:27

means we made we sort of different versions that we need to to make some recommendations to the Secretary of State on. And so yeah, with with that in mind. So the first item on on that was sort of interpretations. I don't actually have any questions on interpretations. I think that was a mistake on my part and it will be picked up in the schedule too side of things. So we can we can leave that for now. That moves us on to to Article 3, which is the application, this application and modification of of legislative provisions.

57:59

And I think really the the sort of two issues that that we wanted to explore. One relates to the comments from the Environment Agency that we received at the DL1. And again unfortunately they're not present to sort of provide their their position, but it would just be useful to sort of get a an update. And I think the 2nd relates to comments that that Nell had made in there, that local impact report in terms of their view on on Article 3 as well. And

58:26

but in terms of sort of just starting with the Environment Agency, I think from from their comments, what they don't seem to do is is currently anyway they don't agree to the, the proposed disapplication of of the Regulation 12.

58:38

I think the starting point really is to sort of understand where you are in those discussions with with the applicants and bearing in mind I think we'll probably touch protective provisions later on. So if it's easier to sort of refer to to those that's that's fine.

58:52

Harry would Philpott on on behalf of the applicant. Yes, I'll I'll deal with three 1D first which as you say is the disapplication of regulation 12 which is a requirement for environmental permit of the environmental permitting England and Wales Regulations 2016 in respect of of a flood activity only. And the as as you'll be aware the proposal is that instead of such a consent being required there will be a protective

59:25

provisions both for the Environment Agency and also for Nelk as the lead local flood authority in Schedule 14 and in respectably parts two and six of Schedule 14 of the. The development consent order we have received from the Environment Agency its preferred protective provisions and what we're doing is reviewing and revising the existing draught protected provisions we provided

59:59

in the draught development consent order to take those preferred protective provisions into account as appropriate. I understand that the resultant revised draught protective provisions will be sent to the Environment Agency.

1:00:17

They were sent this morning. And so those have gone to the Environment Agency now. And obviously when they've had an opportunity to review them, we expect there'll be further discussion with them in the usual way.

1:00:30

The protective provisions in favour of Nelk are based on the equivalent protective provisions that were ultimately contained in the draught IERT Development consent Order. And those were sent to Nelk on Monday of this week for its review following earlier discussions with Nelka as to what those protective provisions ought to contain. And again, we expect that once now have had a chance to review them, they'll come back

1:01:04

with any comments on those and we can take that forward in negotiation.

1:01:13

Thank you for that.

1:01:16

Yeah. Again without the EA here, but I think that's that's a useful position to get to and to understand where we are on those.

1:01:22

If I could just turn to to Netflix, I think in your local impact, sorry, no, it wasn't in your response to the first reading questions and you did say that you were sort of seeking some legal advice in terms of the the content of this article. I'm just wondering whether you've had that and what the position is.

1:01:40

Thank you. Richard Lyman NE Links Council and not yet but understanding that that's been sent through this week and I I know our our team is sort of looking at that and have provided some comments already on other articles and there so working with the applicant to resolve those issues. Thank you. OK that again that that's helpful that that may be an answer to a number of others as we go through but we'll we'll we'll go through the process and and just sort of help help me I think so I think that answers everything on article three. I think the next article on the list is is Article 9

1:02:14

and which is the power to to lay out streets. And again I think this stems from Nelk's response to the first reading questions where you sort of sort some further justification to the extent of the powers and and and sort of raise questions that whether the powers were required and that sort of thing. So again perhaps

1:02:32

it may be that it's a similar position that discussions are ongoing, but it may be that you just want to sort of expand on those and sort of let us know what, what the current position is. Thank you. Richard Limmer from NE Links Council as per the previous comment really and those discussions are sort of ongoing. I know our team sent to sent some comments through at the beginning of this week with a bit more detail to the applicant. So working with them to resolve, resolve those points. Thank you.

1:03:02

Just turn into the applicant on that. I don't again I was going to ask perhaps for sort of a justification and and an explanation of that but that seems possibly not necessary given the discussions that are ongoing. But I don't there's anything you want to add to to where we are on that is Sir Hereward Phillpott on behalf of the applicant it it. It may be that rather than providing

1:03:26

a complete explanation of why Article 9 is needed and and and how it works which I'm happy to do and it may be helpful if I just focus in on the particular things that Milk has identified. One point which I would

1:03:43

make it is that is part of the ongoing discussions we're having with Nelk on the draught development consent order. We we are as I think has been indicated in ongoing discussions about the level and extent of post consent approval that's appropriate for that. The works that are identified in the first part of Article 9 which authorises the the works that have been specifically identified

1:04:16

in Schedule 5. So there as you'll appreciate there are two type, there are two types of work covered by Article 9 that the first are those which are identified in Schedule 5 and which have been assessed and are for consideration and determination as part of this process. So those are works that we've identified we say need to be carried out and would be authorised pursuant to Article 9. The second type is a general provision that allows for further works

1:04:50

if they are identified as being required, but those are subject to approval by now and its role as highway authority because at this stage they haven't been identified and assessed. So the principle of those is at large and that reflects that additional control. So in terms of those, the first type of works we're discussing the level of post consent approval that would be appropriate for those works. But of course they're principle is for determination now because they've been identified as being

1:05:23

required and in the requirements that apply to those works. Requirement 8

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on Hwy works

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includes the the the need to obtain certain approvals of design layout of the accesses that are included within those works. Just to be to give you a a advanced notice in the next version of the Draught Development Consent Order that you receive at deadline 3, requirement 8 will be amended to add a further obligation in relation to the underground culvert that forms part of work #4

1:06:13

and that will provide that before construction of that work commences. Details of the design and construction methodology have to be submitted to and approved by the local authority following consultation with the highway authority. So that's to give you a bit of advanced notice that that element of the works has already been decided that that will be provided to Nelk for its approval to that extent.

1:06:46

Umm.

1:06:48

And so having received Nelson's concerns, we've already decided to add that in, but will be engaging with them in the usual way outside the examination to look at each of its concerns and seek to resolve them either in discussion or if necessary through amendments to approval processes.

1:07:17

Thank you. That's helpful. Just that amendment you talked about that was Article 8 they the addition is to Article 8 that's that's that's requirement sorry quite scheduled to. Yeah. So it it it, it will be a further clause added into requirement take to pick up that specific item of work.

1:07:45

OK, thank you that that's useful on that. And the next one will be Article 19 if we could please, which is authority to survey and investigate the land.

1:07:56

I think it's fair to say that that we we understand the need for the article. So we're not sort of questioning the detail contained in it, but it's just sort of a few sort of specifics that we sort of want to get to which probably won't surprise you. Well where we're coming from and what we're asking and which is sort of the starting point sort of paragraph three in that which refers to the 14 day notice. And if we could just start by asking sort of

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why the 14 days has been identified and why you feel that this time frame is sufficient.

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Hereward Phillpot, Casey on behalf of the applicants. Yes Sir. The the response to the first written questions,

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which is Rep 103.9 and in response to question 1.18.3.6 B that provides a written explanation of why the applicant considers that 14 days is reasonable. Having regard to the limited nature and effect of

these works. The obligation to pay compensation for any loss arising and also the public interest importance of not generating any unnecessary delay to implementation of this urgently needed project. And just to elaborate on that,

1:09:09

that this is a provision which caters for the unexpected essentially and because obviously there have been investigations undertaken to date as to our identifying what is likely to happen and what powers are needed. But these are events that, if they give rise to the need to survey and investigate land, could take place at any point during construction and therefore where it is necessary to do those works and to carry out those

1:09:43

surveys, there will generally be a degree of urgency and they need to resolve that as soon as possible. The written answer explains not only that this 14 day. Is reflected in the model provisions, but it's also contained in numerous made development consent orders. And

1:10:06

it's notable we would say in in this context that no interested party, including those who own land that is adjacent to the that the order limits, has suggested or sought to justify a longer period. So there is no counter proposal to 14 days that we can address and which has anyone has sought to justify

1:10:37

and so doing our best. In the absence of any counter proposal, we don't see that there is either an evidential basis

1:10:47

for extending the period by any particular amount or indeed a a a logical basis. Just trying to look at things in from first principles.

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The

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key question is, well, what might a landowner need to do in response to a notice? And we We've been unable to identify anything obvious that a landowner would be able, would need to do, and be able to do with, say, 3 weeks notice

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that it wouldn't also be able to do with two weeks notice. With that we haven't been able to identify anything that would justify any particular extension,

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By contrast to that

1:11:28

delay to the construction programme for an urgently needed nationally significant infrastructure project is by its nature contrary to the public interest. And there is a public interest not only in

bringing projects like this into operation and without undue delay, but also, more generally, an expeditious completion of construction, and bringing construction and to completion as soon as possible, so as to minimise the adverse effects of doing that. And if every time

1:12:02

this power needs to be exercised, an additional period of time of notice has to be required, whatever that might be,

1:12:14

and that isn't justified by any explanation of why that period of time is needed, that is simply undue delay to construction which is contrary to the public interest. So there would need to be a specific reason why along the period would be needed and justification for that longer period compared to other made development consent orders. And indeed, the fact that this is in the model provisions reflects practise

1:12:47

in

1:12:48

predecessor regimes and other regimes such as the Transport and Works Act orders from which the model provisions are often drawn. So what we're providing is entirely consistent with normal practise and there's been no justification put forward for any particular longer period on the facts of this case.

1:13:13

OK, thank you for that explanation.

1:13:19

One question that occurs to me is, is what happens once survey investigation workers have finished. So for example, if it does involve intrusive works, for example, as opposed to perhaps sort of an ecological survey of a Walker or something like that, but it involves intrusive works. What is the process for, for ensuring that that land is sort of returned and restored? Is that covered in here or is that mopped up in in other articles?

1:13:46

Howard Philpott on behalf of the applicant there, There are certain constraints on particular types of work. So for example, in paragraph 5, where you're looking at trial holes, boreholes, excavations or horizontal cores that might affect highways or or private streets. So you can see there that that might be particularly disruptive

1:14:16

that that has to have consent. So there there is a constraint there consent can't be unreasonably withheld or delayed. But then Article 6 requires compensation for the any loss or damage

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and that obviously ensures that if there is any a

1:14:45

damage which is permanent as opposed to anything which is temporary that that would be compensated. If you just bear with me one second, I'll just check what the general provision.

1:15:21

And so there are just two further points I would I would make on this. And the first point is that our paragraph 6 to which I have referred the compensation provision, provides a clear financial incentive on the undertaker not to leave any damage or or not cause damage and certainly not to cause any damage which is permanent and not put right at the end of the use of the powers, because if you effectively cause

1:15:53

necessary damage, you have to pay for it. And the the second point, which I'd like to take away, if I may, is just to check the extent to which exercise of these powers is caught by any of the other provisions in the Development Consent Order. And that might have a bearing on the particular point you've raised. I just want to check that if I can

1:16:17

so that we can make sure we provide you with a complete answer that that that would be helpful and perhaps if I give you a little bit of context of why. I think it's that the recent decision and we can double check this, but I think it was the high net one that that came out there was there was some wording added into I think it was the Article 22 in in their DCR which related to the same thing. And it was to require the undertaker to remove any apparatus installed under this article and restore the lands that reasonable satisfaction of the land owners falling completion but in any activities carried out pursuant to this article.

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And like I said it may well be that you've already got that covered under other articles but it's just so if you can't take that away and just just clarify Harry would fill up on behalf of the applicant. So yes of course we'll we'll do that. It's helpful to have that reference to the high net order. So we can we can look at that precedent that the point is understood it it sounds like a similar point to the one we were discussing earlier in terms of the power to take temporary possession and and the provisions that are associated with that. So we'll take that away and and come back to you, Sir.

1:17:23

Thank you. That's that's great.

1:17:27

The next article I wanna sort of move on to is 21 and again and I'll be referencing the high net decision. So e-mail will be looking back at that one. But I think in that one the Secretary of State recommended the deletion of this particular article on the basis that actually they felt it was covered by other legislation and and and other requirements. So it was just helpful to sort of get your your view on that. I appreciate that high that's a very recent decision. So Sir yes I can do that. Harwood Philpot, on behalf of the applicant, we we we were on this one able to identify pursuant to the

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detailed agenda the recent decisions including high net where this had been removed. So we've been able to look at those and I can I can deal with that. I I'd start by just giving the reference to where this is dealt with in the explanatory memorandum. So that's Rep 1005,

1:18:19

page 56, paragraph 8.48 that that explains that in the absence of such a provision, the applicant would need to satisfy the requirements of a number of disparate other regimes which regulate the removal of human remains in the event that any are found during the works. Now the environmental impact assessment process that has been undertaken for this project and also the land referencing

1:18:51

exercise has not flagged up any particular likelihood of human remains it within the order limits. But human remains do sometimes turn up where they've not been expected and just by way of example, and we can provide some more detail on in this in the written notes. But during the course of the Thames Tideway Tunnel project, the remains of a a a man were unearthed

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at Chambers Wharf on the banks of the Thames. Not a location where a body was expected, but given given that that you know, the Thames has been

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site of human occupation and

1:19:47

inhabitation for many hundreds of years,

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ultimately not a huge surprise that that can happen from time to time. And and that that's a situation which is common in the UK and the discovery of remains. Where that occurs is what might be characterised as a low probability, high impact matter for the purposes of construction.

1:20:12

Is where you find a body and you have to go through the process, the normal statutory process of dealing with it. That can give rise to delay,

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and the provision that is made in this article allows for a clear, consolidated, efficient and acceptable process for handling the removal of remains, should that prove necessary.

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And so, if in the unlikely event that remains are found, the process that's provided in Article 21 is an acceptable way of dealing with human remains. And there's been no suggestion as far as I'm aware, either in this examination or any others we've looked at, that the process that is provided for has any obvious shortcomings. I I don't understand that the reason

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it this art equivalent article was removed in those other orders was that there was thought there was some shortcoming in the process itself.

1:21:16

If no remains are found, the process simply won't be used, and unlike many provisions in

Development consent orders, its inclusion is intended to guard against unnecessary delay or difficulty or obstruction to implementation. In the event that something occurs, it may not be expected at the time consent is given, but is nevertheless recognised as being a realistic possibility,

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and so there is therefore potentially significant public interest benefit from its inclusion

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and no public interest harm from its inclusion.

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No person will benefit

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if it's removed, including any unfortunate individual that might be found. They won't be treated in any worse way and there's no

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public interest benefit realised by its removal, so no individual would benefit. The public interest wouldn't benefit if it's taken out. We have identified, in preparing for today, two recent Secretary of State decisions where an equivalent provision was removed. The 1st is the High Net Order 2024 and the 2nd is a National Grid, Yorkshire Green Energy Enablement Project and DC over 2024.

1:22:43

And having considered those two decision letters, we do not consider they provide any real assistance for the purposes of this examination and they are therefore of limited utility as precedents. And I say that for the following reasons. First of all, in neither case, as far as we've been able to see, was this matter considered in the Examining Authorities report.

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That appears to reflect the absence of any exploration or debate about the need for or benefits of inclusion of such an article during the examination,

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and therefore no consideration by the examining authority with the benefit of such exploration in either case, as far as we've been able to discern,

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we've also looked at the post examination and stage submissions for both projects and again, as far as we've been able to discern, there doesn't appear to have been an attempt to solicit the views and representations of the applicants or interested parties in the post examination stage as to whether the provision ought to be retained.

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The reasoning of the Secretary of State in both cases is extremely brief,

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and it doesn't engage with the points that I've just articulated here as to why it should be included.

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And it may be that if the applicants in those two cases have been given the opportunity to explain why they wanted their equivalent articles to be included, they might have raised similar arguments, but it doesn't look as though they were given the chance to do so. But in any event,

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you and your colleagues now have the benefit of our submissions on this point, and you can consider them in formulating your recommendations to the Secretary of State. And if it would help, we can provide

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some material in relation to the body found in the Thames Tideway Tunnel project. I've seen, for example a a useful short article put out by the Museum of London, Museum of London in relation to this matter. It's only a couple of pages, but it gives an overview of what happened and and if we can include that in our

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post hearing notes then at least you can see the particular case that we were alluding to.

1:25:21

Thank you for that. Yeah, I think that would be that would be helpful to have that included as well. It's better to give it a little bit of context

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and

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think that that's only deals with with 21. I'm sort of conscious of the time being 1:00. I think I've got possibly two more questions before we move on to schedule 2. So what I'm thinking is if I post my next two questions and then perhaps we call it lunch before we move on to to schedule schedule 2. So and I think these hopefully are relatively brief and the first one relates to

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Article

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30 and in the sense that we seem to have two number 30s and it might be mindless reading, but there's on page 27 we've got a 30 which is modification of part one of the 1965 act and then at the start of part 4 interpretation that's also got a #30 as well. Now it might be different because it falls under interpretation, but it was just for for clarity whether the the other 13 interpretation needs something different or doesn't need a number here would philpot on behalf of the applicant. So as I understand it, this is Article

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30 and what you see on the facing page forms part of sub paragraph five of Article 30. Subparagraph 5 is dealing with the contents of Schedule 2A of the 1965 Act and and 5B explains that it it's to be modified by inserting after paragraph 29 of Schedule 2A

1:27:01
a 30

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so. The it's purely coincidental that it happens to be 30 but that's that's the explanation for it it's. Not a ultimately duplication that's fine that that that's helpful and yeah that that's great thank. You very much and. Then the only other question I HAD actually isn't on listed on the agenda but it was something I PICKED up which relates back to article 18 I. THINK it's to do with the in the statement of common ground with the Environment Agency, There's reference to ongoing discussions to to additional clauses and I THINK these relate to

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the Harbour Marsh Drain and Stallingborough N Beck and it was just really sort of understand what those additional sort of clauses may be.

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So Heywood Philpot on behalf of the applicant, I just need to take instructions and moment

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and

1:28:12
Hereward Philpot Casey on behalf of the applicant.

1:28:16
So I'll just briefly explain the position as I understand it. At the heart of it, there is a request from the Environment Agency that associated British Ports monitor at certain outfalls for I think a period of 10 years. And the proposal, the substantive proposal is not as I understand it and problematic, but as to where it is located. We don't believe that the appropriate place to locate it is in the main body of the order,

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but instead it would be more appropriately located within the protective provisions for the Environment Agency. So

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that that is a matter that we have reflected in the draught that has been sent back to the Environment Agency and very recently. So they'll be able to see where we propose to locate it. But it's it's essentially just a question of where it goes rather than any substantive difference.

1:29:20
And I'm just reminded, of course, that wherever it sits within the order, it is a term of the order and therefore for enforcement purposes, it is equally enforceable either way.

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OK. Thank you very much. That that was helpful. Just to sort of explain that. And I think probably just before I sort of a journalist for lunch, just wanna check that there's nothing else that Nell or anybody else online want to raise in terms of those specific articles we've been through. We'll pick up the requirements after lunch. We just want to check that there's anything. I'm not seeing anything online either. And So what I suggest that's probably a good point to to stop for lunch. It is now 55 past one. So I suggest we we take an hour and come back at at 5 past two. So these hearings adjourned till 5 past 2.

1:30:07