



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	EN010128 – Cory Decarbonisation
Hearing:	Issue Specific Hearing 2 (ISH2) – Part 2
Date:	12 February 2025

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00:00:05:09 - 00:00:19:14

Hello, everyone. It's, uh, it's 10 to 12 and time for me to resume this, uh, this hearing, uh, and just before I had a break, I know there was somebody with their hand up on, uh, on screen. So, uh, apologies for making it to wait after the after the break.

00:00:22:17 - 00:01:09:27

Thank you. I'm Robert Williams from the Environment Agency. I was just going to try and make a brief point about the, um, heat recovery equipment, which was that, um, obviously, when the, uh, orders for Riverside one and Riverside two were made and the obligation for heat recovery was imposed, the land to the south was then relatively undeveloped. But that land is being proposed to be developed if this order is granted. And so, um, what I'm also thinking about is the way that it's quite common for, um, A strips of land to be reserved next to watercourses, next to flood defences, to, uh, are our operational access and preserve the value of those features.

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The developers will then, uh, not uncommonly want to put pipes and cables and other services within that strip. So

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concluding this this idea, it would be useful if the amount of space required for the heat recovery equipment, really the pipework was established so that we're sure that the that doesn't then, um, have an adverse impact in the future because I don't know that we've we've got a clear view on that. So that was just a, a small thought that there is a sort of potential consequential impact of, um, of this change if the order is granted.

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Thank you.

00:01:59:27 - 00:02:03:22

Okay. Thank you for that. Is there anything the applicant would like to add to that?

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Mr. Fox? I would just say that, um, we don't have that detail now. Um, but that's why there's an approval in the Environment Agency provisions which would cover any works within those zones.

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Thank you. So I think that's concluded. Um, a schedule, schedule one. And, um, the next point I wanted to go to was, uh, schedule 16, where I've got quite a detailed, uh, question I'd like to ask the applicant. Um, in, uh, in sort of the questions I asked at, uh, in the, uh, examiner's questions at one, I asked why, um, it hadn't been, uh, that schedule 16 didn't include a parameter for the stack diameter.

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Um, for the up to two new new stacks. Um, I think I'm right in saying that the the applicant has confirmed that the air quality modeling assumed internal diameters of 3.1 and 2.5 for Riverside one and Riverside two, respectively. Um, and that minor amendments to those assumed diameters would

have no material effect on the conclusions of the air quality assessment. Um, but um, and that the specification can be appropriately left to detailed design stage.

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Um, but I think the state's detailed design stage will be subject to further dispersion modelling and approved as part of the environmental permit. Uh, so I think the applicant was saying that it doesn't need to be duplicated in the DCO. Um, but that minor amendments to internal diameters hasn't been sort of further quantified. And so the issue is to make sure that the development consent order reflects what's been assessed in the air quality assessment presented in the environmental statement. Um, so if it was based on those internal stack diameters of 3.1 and 2.5m.

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Um, but that parameter isn't actually specified in the DCO. Um, there could be an issue where, for example, the council sort of in its approval role for detailed design, uh, maybe approve something that's a, you know, that exceed exceeds that. So currently it has drafted, um, the development consent order could result in the local planning authority authorizing a change in development to an extent that goes beyond what's been assessed in the in the is without a, without a sort of a specification.

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So um, and also any assessment that's carried out by the Environment Agency in relation to the environmental permit can't really substitute the assessment that needs to be made by the Secretary of the Secretary of State and, uh, the environmental impact assessment or the HRA regs. So I guess that's coming down to really it's the absence of any parameters for the for the for the stack diameter. I mean, has there been any sort of sensitivity test done, for example, that plus or minus one .6.

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six meters would mean that that diameter. And is there a range of diameters which wouldn't have a have any likely significant effects? So if you understand that the the risk is, you know, if if the parameter isn't set at sort of say 3.1 plus or minus x and x and y, um, at the moment that that could allow through the discharge of a requirement, something that could then inadvertently, possibly, um, exceed that which was considered in the the is.

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This was not that can say I think it's a couple of points here. So first of all, um, no, there hasn't been sensitivity testing done, but the functional requirements of the stack mean that it has to be essentially a narrow a narrow stack. Um, the the assessment that has been done has, you know, reported the results that it has. Um, but I think the core point is that if the applicant, uh, go through the permitting process, that will consider air quality emissions as it's supposed to.

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Um, and as per the MPs, you know, the secretary of state is directed to consider that, uh, the permitting regime will be assumed to work in terms of controlling emissions. Um, if we wouldn't be able to get, we wouldn't be presenting a detailed design to the council. That's not permissible. So I can't see a scenario where the council would be approving pursuant to requirement for suddenly a very wide diameter stack. Um, that then would obviously change the air quality emissions, um, and lead to significant effects.

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So I think that's that's our position, Sarah, is that it's it's functionally it wouldn't be wide. And due to the fact that we have to go through the permitting regime which considers the air quality conclusions, it is not a scenario where we could become wider.

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Well, I think one of the key key points there is so that the, um, uh, permitting regime can't be a substitute for the assessment that the Secretary of State needs to make, um, in terms of duties under the Environmental Impact Assessment regs and also the HRA regs as well. So I think that's why it comes back to the question as to why does there need to be specification within the DCO to tie it back to what was considered under the the s? Because in effect, isn't that what those parameters in the DCO are doing is basically saying, well, here's the parameter, because this is what has been assessed to make sure that, um, the development doesn't come forward, that exceeds those and therefore runs the risk of having effects that haven't been properly considered in the in the.

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Yes.

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Um, so, so I think I think the point I would make here is that this is an assumption that's informed informed the, um, assessment to enable a reasonable worst case scenario for the likely significant effects of the development to be understood. The permitting regime then controls the details of that in terms of admissions. But the question, as you rightly say, in terms of the EIA and the HRA, it's just a reasonable assumption to make that it will be that diameter. And we say yes because of the functional requirements of the stack.

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Um, but I would say so I do, um, hear what you say around your concerns and we will take it away to, to consider your concern.

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I think unless, unless you can so convince me otherwise. It does. It does seem that unless there is that parameter and again it goes back to. There are there are other parameters which do directly link back to the worst case scenario in the ES. It does seem to be an omission. So.

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We'll take it away. Yeah, I understand your concern.

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I think you understand that. I think again, perhaps refer back to, uh, XK one and uh, and that. But thank you. So yeah, it'd be helpful to, to either see something added to the, to the next draft or a clear explanation of why that we don't think that's appropriate with, but obviously a good explanation.

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So I take the point that you asked a question. You asked a question, given an answer, and you're still asking us the questions. Yeah. Understood, sir.

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Thank you. Um, yeah. I mean, in my notes, I've. I've just picked up that that there has been specification in other DCS, um, about stack That diameters. I haven't gone into the detail as to whether or not that was exactly the same scenario as this. So just to say that I've noted that there has been done before.

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And said.

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Okay.

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I'm not expecting any, but is there anything else about, um, uh, schedules six? Oh, sorry. On that particular point on schedule 16, I've got some other, uh, points about schedule 16. That was just about stack diameters. Um, the next one was um, uh, again, uh, design parameters. Um, and I think the, um, uh, particularly around the absence of work packages to A and B, um, I mean, I've noted that a design principle has been added to the design principles and design code with regard to carbon dioxide pipelines.

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Um, but it still seems a bit, uh, a bit bit imprecise. Um, yeah, I think I think it says the height necessary to meet technical requirements. Um, similarly with connections. I mean, I think you said it's not envisaged to be higher than Riverside one, but last time I looked at Riverside one is quite high, so there seems to be a lot of, um, there seems to be more latitude than is actually necessary, um, around those, those design parameters. Um, so the question is, um, can can those design parameters be, um, you know, be be tightened up a bit? And I suppose the question is either is it something for schedule 16 or is there something around how the, um, the design principles and design code, um, a wording which might provide more, more in their consciousness? Again, the design code is, is largely, um, a fairly a fairly general sort of things rather than in the except a sort of, uh, 2 or 3 instances providing sort of specific specific dimensions.

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Um, so. Just to clarify. So are we is your concern specifically just about the work to be, uh, work to essentially and work? Fine?

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That was one that, uh, that was one that, um, sort of, uh, sort of leapt out at me. Should we say, um, again, apologies. Let me just get I've got the wrong schedule in front of me. So we just get schedule in front so I can just make sure I'm giving you the correct stay on that. Uh, I think it was a it was a more sort of general, uh, general thing. And again, I think it's coming back to the issue of just making sure that, um, there's there's not sort of, I guess,

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excessive latitude and for, for things where, where that's not actually, that's not actually necessary. Um. So, um.

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Sir. Sir. Thank you. I think, I think when we again don't have the question reference in front of me, but I think we ran through all the work numbers and our response and explained how essentially work. Number three is the next quarter under normal mode. And number six, some temporary compounds. And what number seven would be discharged. But she went to the the baths. Um, so I think it would only be work two and five. So where I think there would be kind of permanent design, uh, impacts.

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I want of a better word. Um, I think, um, so our position on this is that the kind of requirement for these pipelines are going to be technically driven, and then that's why the design principle is, is written as it is. I don't so I think there's another way. I don't see how there would be kind of unacceptable Acceptable latitude given the role that they play. So particularly work. Number two, where you've got connections into they have to go in to the point in Riverside one and Riverside two, where it makes sense for them to go.

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And then they're getting to our carbon capture facility. There's no I suppose.

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Yeah. Sorry to get across to you there, but I guess if you already know that. Why why isn't that a parameter? So I understand they need to be a certain height where there's access underneath in order to provide that. And I think that's now been covered in the design code. Um, again, you mentioned that there's only a limited zone where it can effectively join up with, with, you know, with the casing, the structure, and, uh, the existing and proposed Riverside station. So what in that case, can that not be provided in a, in a, in a parameter for it?

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Again, it just seems that, you know, they are particularly you know, they can be quite a considerable amount of amount of plant. And obviously there will be some effects, probably mainly visual, but there might, there might be others. And it's just one of those things that I think it seems that we have got, uh, parameters for, for others. But this one seems to be left as a fairly, a fairly general one. I understand your point that it's a technically driven thing, but that's not the same as that. That's really how that's the, you know, what's driving the design philosophy as opposed to, um, whether it's appropriate to provide a parameter for it or not.

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So, yes, I think the reason I mentioned technically driven was, is to then think because it's technically driven, the latitude is not actually that great. And also that that in itself, because it's technically driven, means that, as I said, the scope for effects outside of the is or in fact like significant effects at all is extremely limited because it serves a function, um, to get from A to B for the material that's inside the ductwork. And I would say so we obviously you asked a written question.

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We did think carefully about this because we felt obviously that the easy answer was to give a number, but because of the various technical constraints that there would be the fact that actually in certain areas, particularly for work, number two, the height will change. Um, it was that essentially we felt that that was the best approach we could come up with was to to guide us and noting that we've added work um, five to, um, the design requirement that Bexley would be able to consider to what extent we've complied with that design code, um, that that would be able to be checked for work number five.

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Um, I think we can take it away. So but I, I think I would just want to reassure you that we did really think carefully about this and not giving just a simple number.

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Well, you said you'd take that away As I've already mentioned, I think that the flip side of that is if if you're fairly certain that the technical, you know, the technical constraints, um, I suppose in my mind, if you're fairly clear what the technical strengths are, isn't that effectively a parameter already? But okay, I won't I won't ask any more about that. You've said you'll take that away and perhaps, uh, make sure we respond at the next.

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Is there anything else on, uh, on on schedules that isn't picked up elsewhere before I move on to item three, which is, uh, the requirements?

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Okay. So item three is the, uh, the requirements. And I did ask for the applicant to provide a very brief update on, on changes, um, that have been made in response to representative representations. Um, so if I could hand over to you, Mr. Fox, to do that, it just needs to be a brief overview, just as an understanding as to where we've got to and changes you make.

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Mr. Fox and the applicant say, as far as we're aware, in terms of submissions that have been made by other parties into the examination. Um, we have most recently amended um, requirement seven CFSP and requirement nine Construction Traffic Management plan to add in the Western Riverside Waste Authority. They asked for requirement 12, which we didn't give. But given the tenor of discussion yesterday, I won't go into the detail of that. Um, we are just by way of update as not in deadline three, but given the ongoing, um, correspondence with these authorities in relation to KTP, we will also be adding um, Dartford Borough Council and Kent County Council as consultees to the TMP requirement at that point for um and um, the remaining uh requirement issue was um requirement seven And discussions with the PLA on that.

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Um, and as Mrs. Fowler intimated earlier in the introductions, um, between us, we've now, um, come up with agreed wording for that requirement. Um, and also within the CCP dealing with their concerns in relation to river transport.

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Okay. Well, thank you for the update. I'm not sure I've got any particular questions on, uh, on those. Um, there are some particular things I'd like to, um, uh, explore in terms of requirements. And again, if you just allow me to get the right schedule, uh, schedule up. Um.

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And yeah, I think this picks up on the, the, the discussion we've just had about the, um, uh, the, the pipeline links between the, the existing and proposed power stations and the CCF and, it is. It is that. That thing about it. You know, your approach seems to me that if works are informed by technical engineering matters, there's no need to approve, uh, approve details. Um, but also that they don't seem to be covered into the same extent by design principles and design codes.

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And again, I, I take your point that obviously, if it's a if it's a technical engineering solution, there's the, there's a sort of there's probably an optimization in terms of, um, how they're designed for your point of view. But, um, you know, there is still a range of effects that what could be considered a technical engineering solution could have, not least on, say, townscape and visual terms, where, you know, there could be a huge variation in the the visual effect of a technical solution.

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You know, in one extreme it could be simple and elegant, and at the other extreme it could be, um, crude and clumsy, you know, that there is there is sort of scope Scope there. Uh, I accept that's not necessarily something in terms of the likely significance effects. Again, in the environmental statements. It's going back to that point, I think I made earlier in the hearing that there there are there are some effects that may be material. Um, you know, as Mr. Kraft was, uh, was pointing out, uh, so it's just it's just a it seems odd that there are some things which there doesn't seem to be control.

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Um, so again,

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you think I'm obsessed with gate houses, but that's the example I use, for example, gate House. At the moment, I don't see how the design of that gatehouse would be under anyone's control. It would, other than very general, uh, sort of design code things, which probably, you know, as far as I can work out, there might be some design things about materiality or the fact that it should step down across the, the site. So if the if the gate house is at the south end, it wouldn't be as tall as things at the north end. Um. But firstly, I just want to make sure I'm correct and actually that there isn't going to be control over that.

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But also I think he's recognizing, you know, again, by want of example, a gatehouse could either be, uh, I'll use sort of, uh, exaggerated examples for effect. You know, it could be a, you know, a very considered piece of beautiful architectural streetscape, or it could be a rusty container with a hole cut in. But at the moment, I can't see how anyone would actually be able to, to, to control that and look at it. So, um, I just think that.

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Yeah. And I know you sort of responded to that question to, to Q one, but they do seem to be some things where there's no actual nobody who actually could control it. And at the moment, I'm not sure I've got a convincing argument for yourself as to why. Just leaving that to sort of technical engineering matters and what there is in the design principles and code is currently drafted. There's enough just to ensure that

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the applicant.

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So just as the first point. Um, we discussed this in the break as a team. And just to confirm from the works list, we will be deleting the gay houses from that list.

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Um, I'm sorry I missed what you said there.

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From the ancillary works list in schedule one, right? Move delete reference to gate houses. Not least because I know it's an example.

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I did I did hesitate to use the example that I'd made a note, because I know I don't want to get fixated on gate houses.

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And it's mainly because it is just duplicate work and one e so I think, um, variety points here. So, so so I don't want to repeat what I said earlier in terms of the ancillary works would be ancillary to, to be part of the, the um, the identified work numbers. Um, so anything within the area of work number one, which takes up most of uh, the, um, what I would say kind of virgin land, i.e.

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not a part of the existing campus. Um, to the extent that those ancillary works are located in work one, then that will be turned off pursuant to requirement four. So I think there's a spatial thing here as well. So in terms of where these things, the ancillary works could go, if they're in the area of work, number one, then they're signed off pursuant to um requirement for um, yes.

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So I suppose it is going back to the point that we raised earlier that was about that. Where where are the gaps? You know, if.

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Yes, that's yeah, that's what I was going to kind of talk through. So um, work number two. Um, and I think just building from the previous discussion, we will take that away. Um, I would say that if we were going to bring work number two in the ambit of requirement for it wouldn't be all of work,

number two, because, for example, when a modification of existing plant doesn't need planning permission, um, and um, other aspects such as um watercourses will be covered off elsewhere.

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Um, so we will, we will look at that um work number, work number three. As I said, that's that's an underground utilities corridor. And we don't feel that for the planning reason why that that needs to be, um, approved under requirement four. And from a highway point of view, the articles deal with the new works out provision, um, requirement for. So to the extent that obviously the ancillary works list includes works in the river, um, that would happen within the area of work number four.

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Um, that um, the design of that is most relevant to, um, uh, navigation, which is why the PLA through navigation risk assessment, risk assessment and Approving plans pursuant to their provisions would be approving that. And to the extent that there is, uh, environmental, um, design matters, there's a separate requirement for that which has LPA approval. Um, for those, um, work. Uh, number five. Um, so as I said, that's now in requirement four.

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And to the extent that any of the ancillary works happen within the areas of work number five that aren't within the areas of work, number one, they'd be covered off by the approval of that work number.

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Um, work number six. Um, obviously the, the construction, uh, compounds. Um, so six A is within the area of work, number one, in any event, uh, and whilst we appreciate that £0.06 and six are not um, these are construction matters. The LPA pursuant to requirement seven would be looking at the Code of construction practice, which would include information about how we're constructing things. So to the extent that the temporary ancillary works are used as part of within those non-work number one areas that would be considered there and then work.

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Number seven, mitigation enhancement areas, you know, the details of that will be approved pursuant to requirement 12. So doesn't need to be a requirement for

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work. Number eight rerouting of Thames water access road. Irrelevant. As we discussed yesterday Thames Water has approval of that. There's no kind of it's it's an access road that's already there which is slowly diverting it and.

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Well fences and gates. I know we were talking about fences and gates yesterday. I again, I realize it's on the scale of what your proposal is. There sort of limited elements, but presumably that's going to involve those.

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That would come in at number seven, because the extent to which work, number eight is not within work number one, it's within work number seven.

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Okay. I think I think what we're be helpful for me is perhaps, um, I don't think it needs to be an elaborate piece of work, but I think it's just that the thing that I haven't got at the moment is, is that sort of, uh, read through from, from from the very first, from the, uh, from the interpretation or definitions from the, from the schedules, from the requirement. Because I think you're, you're saying that I can take comfort because there is an approval process for, for for everything.

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I'm still saying I'm not sure I can. I don't think there is. So I think the best way to, to help this is if you could do that. And then if it transpires that actually there are some elements which would fall out of this thing by not bringing work packages. And it also goes back to, I think that just clarification about things that, you know, if, if they should be in work packages and they should, should be in work packages, um, and then then I can understand, you know, what that is and see actually am I, am I concerned? Sort of misplaced? Um.

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Or is there something that needs to be looked at? So does that. Absolutely. I think that's probably going to be the most certainly.

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We will take that away. Take that away. I mean, I think having initially considered it in the break, I think the inflection point is probably worth number two. And we'll consider that. I mean, we will do the full review.

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I guess we're at number two that that was the one that stood out for the reasons I've explained.

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So I think we'll take we'll take we'll take that away and we will do the full analysis. But I think that's my initial view.

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Thank you.

00:28:54:23 - 00:29:05:22

Is there anything else on requirement number four? I mean I've I've only got particular requirements. I want to ask questions, but people will be able to, to to raise other things. Um, but before I move on to.

00:29:08:06 - 00:29:12:22

Requirements, I can't see any. Oh, there's a hand up.

00:29:15:27 - 00:29:58:28

Um, Robert Williams from the Environment Agency again. I was, um, I was just going to say that, um, we have a concern in the way that the design codes and design principles, um, uh, work in relation to, uh, requirement for because, um, there's proposed quite a wholesale land raising and, um, and obviously work close to the, the, the open ditches and, uh, there's a, there's a question there about whether the extent of that is entirely necessary or whether it may be that it's, uh, somewhat excessive for the purpose.

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Now, what has happened is the applicant is doing some work to, uh, see how that can have further assessment to reduce that can be, uh, undertaken. And they've, they've submitted a, a technical note to us about the flood modelling, which is helpful, but we are in the process of reviewing that, and we will be asking them for some more information. I think what's needed, um, both for the offset and for the the ground raising and the floodplain where we have this unusually, uh, over seven hectares was proposed of ground raising is perhaps a more granular detail.

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So essentially, I think the proposals are, to use your phrase, allow too much latitude. And if that if a somewhat more detailed work was to be done to explain what really needs to be raised, perhaps just within a building rather than the surrounding land, and, um, you could then we could better understand and the applicant could better understand how close they need to be to watercourses. But offsets are possible.

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And also, uh, whether the off site flood risk impacts caused by the ground raising are in fact excessive and unnecessary. So I think the, the we're concerned that the, the, the construction codes and uh, design principles and requirement for doesn't at the moment give us the comfort we need. But much of that would fall out of having a slightly more granular, uh, design plans that could be referenced as the the default.

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That must be followed.

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Thank you. Before I ask the the applicant to respond to that. I mean, I think again, that certainly the applicant was seen through questions I asked that, uh, the execute Q1 was and again the land raising it. So which work does that fall under and which requirement would require that to be approved?

00:32:12:24 - 00:32:46:09

So, uh, Mr. Fox, on behalf of the applicant. So I, um, I've got the answer in front of me, sir. But we explained in the answer that it's not a specific work number. It falls out of the ancillary works, but so the the development plan or two things a the, the maximum extent of the development platform is secured by reference to the schedule, schedule of 16 parameters. Because we've given a height for what we assume the equipment will be, and then above existing levels, which accounts for the three meters that we've assumed for the development platform.

00:32:46:17 - 00:33:17:24

In any event, because the works created on the platform are happening within the spatial area of work, number one, they will be approved pursuant to requirement four, but also pursuant to, um, to the extent that within the um approval zone set out in Environment Agency protection provisions through um, their approval under the protective provisions. And I think just to answer that to the point made so we don't we at deadline three we submitted the modelling to. So say essentially sensitivity testing of different development scenarios.

00:33:17:26 - 00:33:36:28

But we don't know the the final levels and we don't have those detailed plans, and it wouldn't be appropriate to have them at this level in this stage of project development. And but the point, the point is, is that the platform is happening within the area of work number one. So the signed off pursuant to requirement four and the environmental protection provisions.

00:33:39:01 - 00:33:46:15

It's just not a sort of a larger scale version of the the problem with the, the, the stack that was just being described.

00:33:50:25 - 00:33:52:25

Sorry. Can you repeat the question? Sorry. Yes.

00:33:53:16 - 00:33:59:15

Mr. Williams was just saying, is this a similar situation to the discussion about the parameters on the stack?

00:34:01:19 - 00:34:13:01

But certainly I don't think it is so because that's we have secured the maximum height of the development platform, um, by dint of the, um, securing the height of the buildings.

00:34:16:28 - 00:34:18:22

But it's about too much latitude.

00:34:20:15 - 00:34:56:04

So it just wasn't about that. We're going to. We're going to talk. We're having a meeting with the European Agency tomorrow on the details of this. But just conceptually, we've assessed what that worst case development platform is. Um, and we appreciate that everyone has views on that. Um, but ultimately, that's the very worst case we've done. We've done the modeling and deadline three to show. If you apply the design principle, what that could look like in a couple of different development scenarios. So we don't, at this point in time, uh, have the, um, uh, have the detailed design.

00:34:56:15 - 00:35:09:08

We've assessed the worst case impacts we've controlled that we can't go any worse than them. And either that's acceptable or it isn't. It's not it's not the same question about latitude because we've assessed that latitude as opposed to and controlled it.

00:35:09:26 - 00:35:46:23

So what you're saying is that, um, irrespective of sort of ongoing discussions, um, whatever the final design is in terms of the land raising, including sort of interfaces, piling banks and things, that would be a detail that would be submitted under requirement for in any in any event. Am I correct in that? Yes. Yeah. Um, so I know that probably doesn't. I think, Mr. Williams, your question was more about the detail that you've got available at the moment. Um, so whereas my question was more about what the requirement in the, uh, in the draft DCO is.

00:35:48:02 - 00:36:10:29

Okay. And secondly, what I'm saying is, I think until we get more detail and can refine that, we're going to have to continue to oppose on, on on the basis that what what's set out provides too much latitude and is unnecessary in terms of the offsite impacts. Uh, accepting that the applicant doesn't agree with that.

00:36:13:10 - 00:36:54:22

Understood. I suppose the question for the applicant is. Yeah. Can you envisage a position, particularly in light of the information that you provided at the last deadline which did? I don't I don't think it was as granular as Mr. Williams wanted, but it did sort of give some indication that it might not be just a sort of a single platform. I mean, is there anything that we could provide more detail somehow through the DCO in terms of, uh, you know, giving a, again, either a framework or a parameter for the extent of that or again, in the design principles and design code to sort of to help drill that down a bit in terms of actually what, what what might, what might be the solution.

00:36:55:15 - 00:37:29:06

So Mr. Wilkinson, on behalf of the applicant, um, there is a detailed, um, meeting tomorrow with the Environment Agency to run through the additional information that we have provided to the Environment Agency. Um, clearly, um, within that, there are various scenarios that we've looked at in terms of how we can, uh, reduce the level of the land raising to respond to the concerns expressed, and also to ensure that we have the minimum amount of, of, uh, of land raising that we need to deliver the, the scheme.

00:37:29:08 - 00:37:50:27

So I think that conversation can be carried out hopefully tomorrow. Um, in regard to I think there is a design, I haven't got the design principles in front of me, but I think one of the design principles is around, uh, ensuring that we do minimise the level of land raising so we can respond positively to the concerns expressed by the agency.

00:37:52:20 - 00:38:29:25

Thank you. I guess I guess what we have. I understand that, uh, that particular sort of design required, but again, it's a principle of a fairly general, general nature. I think that's something else I'd perhaps like the, the applicant to, to take away. Again, it's just to look at that thing in terms of, um, what level of information there is and what how that's going to be, um, how that's going to be viewed and whether actually the design principles and design code at the moment, you know, provided sufficient, sufficient guidance for the design team to actually, uh, make a meaningful, uh, sort of work towards that and that it's not just too much of a general, general provision.

00:38:31:27 - 00:38:36:18

Mr. Fox, on behalf of the applicant, uh, we will take that away. But I have to say

00:38:38:04 - 00:39:04:25

at this point, struggling to see how much more we can save from being told to minimise it. Um, and that given the detailed design process and all the various constraints we talked about yesterday. But to go any further, particularly with numbers, would be very difficult because it's going to it will change as we go around the number one area in particular. So we will take that away. I don't want to eliminate the possibility entirely, but I do think it's going to be difficult for us to go much further than we have.

00:39:05:16 - 00:39:37:04

Yeah, I understand the point about sort of, you know, being specifics or specific, um, uh, dimensions or things, but maybe there is something in the design principles that, you know, again, provides, uh, that sort of perhaps more detailed to the parameters that you may well have in mind already and that perhaps aren't necessarily controversial, particularly about particular bits of plant, which you I think your study, you know, identified there's some plant which, for want of a better phrase, doesn't matter if you know, if its feet get wet.

00:39:37:10 - 00:40:05:03

Other bits which are critical need to be raised, obviously other ones in terms of risk and safety, you can't can't be within that level. I wonder whether there is something in a bit more detail. I realize that's that's probably not directly getting to Mr. Williams, but it sounds like there are ongoing meetings, so it's probably best not to, uh, sort of anticipate what may or may not be agreed to that at that meeting, because either that may or may not give the Environment Agency the comfort that they, that they want on that. So. Okay. Thank you.

00:40:05:25 - 00:40:15:17

Thank you very much. I just wanted to raise that issue as it's become protracted. But we are meeting tomorrow and I hope we'll be able to make good progress. So thank you.

00:40:17:03 - 00:40:18:06

Thank thank you, Mr. Williamson.

00:40:25:19 - 00:40:49:03

On requirement seven. Again, just just to follow something up. I think this was the, the the the Port of London Authority. Um, uh, requested they consulted on uh, the, uh, the, the the outline code of construction practice, not just in relation to the, to the River Thames. I just wanted to clarify what the, what the response was to to that, uh.

00:40:52:07 - 00:41:07:00

The applicant. Um, so as I mentioned at the start summary. So we have agreed some additional wording for requirement seven and the CSP, um, to deal with the with the Paradise concerns, which has been agreed with them.

00:41:08:01 - 00:41:12:18

I think the information I had at the time, I couldn't see how that been responded to, but.

00:41:13:19 - 00:41:15:18

It's only in the last few days. Yeah.

00:41:16:27 - 00:41:47:01

Um, in terms of, uh, requirement 11, which is the, uh, the lighting strategy, um, and I think, um, one of the, one of its aims is to prevent light pollution. And I think obviously that could that could be in terms of natural environment as well. Um, and I think that, you know, the, the, the reference to marine ecology seemed appropriate. Um, so it's just a just, just to see whether the same approach would minimise impacts on terrestrial ecology.

00:41:47:03 - 00:42:06:02

I think it's more the way that the that requirement is framed. Um, and the, you know, the, the initial draft lighting strategy and whether actually that can sort of cover a number of, uh, a number of, uh, sort of concerns.

00:42:08:09 - 00:42:47:08

So, um, Mr. Fox, if I don't mention your question, I don't think this would be affecting the drafting of the requirement itself, which essentially is just develop a detailed licence strategy substantially in accordance with the outline. I think it's more about it's the, uh, outline lighting strategy, um, sufficient. Um, our understanding from reading the, um, Natural England and Environment Agency deadline through submissions and our discussions with them, is that they do consider that the principles set out in the outline lighting strategy are sufficient to mitigate the impacts to terrestrial biodiversity.

00:42:48:08 - 00:42:51:04

Um, and I would also add that the, um,

00:42:52:22 - 00:43:20:05

uh, a licensing process for water bowls, um, you know that. Well, a we've referenced a licence strategy so you can secure the letter of no impediment but B in order to get the licence later on than Natural England would be asking us to show them the detailed lighting strategy. Um, so I do think so that there's, there's it's not the requirement itself and it's whether we need to look at lighting strategy. But having spoken to those stakeholders, I think we think it's gone.

00:43:21:07 - 00:43:43:26

You're quite right. Actually, it's a consequential point. And just having a look at the the requirement. Yes. It's more about the scoping of the strategy. Um, if you've advised me that, um, uh, Natural England, the Environment Agency seemed to be content with that. So, um, I don't think I've had a further question on, uh, on that. Is there anything else on the lighting strategy that anyone want to.

00:43:46:19 - 00:43:54:01

Okay. The next, next requirement is uh, requirement, um, 20 and the, the, um.

00:44:01:18 - 00:44:19:20

This was just a double check in terms of the requirement. 20 deals with control of noise during operation and it sets some, uh, some, some noise levels, a chance for, uh, to be exceeded. Um, and I think it was the, um.

00:44:24:10 - 00:44:25:02

Just me. So.

00:44:37:18 - 00:45:11:19

Yeah. So it was, it was just to make sure that, um, the the the the levels, they're, uh, I know they've been sort of set out in terms of, um, uh, making sure that it would not give rise to likely significant, um, effects. It's just making sure the noise levels were obviously there. It's this thing again about, um, you know, there is a there is an area between sort of likely significant effects and things which may nevertheless have a have a material effect.

00:45:12:02 - 00:45:43:06

Um, and just making sure that, um, those levels were going to make sure that that wasn't going to sort of disrupt businesses or or residents acknowledging that residents and the nearest residential receptors are to the south of the, of the site. Um, and, you know, I think also the supplementary question is, um, are there parts of the the parts of the scheme which, because this is tied to the commissioning of work number one, which I accept is the, um.

00:45:45:07 - 00:46:04:16

Okay. Yeah. Uh, which which I accept is the, um, uh, the the main part of the carbon capture facility as to whether that that should be the only trigger or whether there are other. Other. Other operational works which might give rise to to noise. Sorry, that was a double barrelled question. Apologies for that.

00:46:06:11 - 00:46:31:12

I'll take the second point first. Um, so I think there's also the kind of geographic location of the works compared to the receptors, and this being an operational noise requirement. So that works. Um, three, six, eight and nine will not lead to noise in the operational phase, but number four.

00:46:33:19 - 00:47:01:00

The noise will be the vessels going to and from it. Um, but that obviously is completely the other side of, um, all of the facilities, um, work number two and five are located further away from the noise, um, sensitive receptors. And whilst we knowledge work, number seven is closer. That is the mitigation enhancement area very limited scope for noise. And to the extent that there were was any concerns on that, that would be be able to dealt with through discharge of requirement 12.

00:47:02:16 - 00:47:24:18

Um, so I don't believe we don't believe that there's, um, kind of both generally, but also in terms of the results of the ES, which showed no significant noise. Um, then there's any requirement to expand wording of that requirement any further. Um, and in relation to the um, noise, noise levels. Um,

00:47:29:00 - 00:47:47:09

the idea of the noise mitigation plan is to, to, to get to a point where there's only negligible or minor impacts arising. So it's not just about like significant effects. Um, and I would also say that, um, we've had no comments from London Borough of Bexley and South Authority in terms of the levels not being correct.

00:47:48:21 - 00:47:52:27

Okay. Thank you, Mr. Jokanovic. You've got your hand up.

00:47:54:03 - 00:48:02:24

Oh, sorry. Um, This might be going back to requirement 12 and 13. Is it possible or do I have to? Because I realize that you guys skipped a requirement 20.

00:48:03:24 - 00:48:13:01

I mean, I was just going through my list and then I was going to open it up. But if you want to go those other requirements, if you want to make your point.

00:48:13:19 - 00:48:15:06

Okay, change your permit for.

00:48:15:09 - 00:48:17:17

The first one, sorry. Requirement 12.

00:48:17:19 - 00:48:59:09

12 and 13. I guess they're linked in that sense. Uh, so it's about an inconsistency between the two, but potentially, um, and also on behalf of uh, Jokanovic, on behalf of Ridgeway users. Um, so we're not sure currently that requirements 12 and 13 in the DC are consistent in their current state. We were told that, um, drainage is not part of the water framework directed by Corey in their responses to XQ one, but we wonder how this interacts with Labas if pollution could have an impact. So, um, we're sort of asking whether the DCO should treat these water bodies as a contiguous whole, given that they are part of a sort of contiguous marshland habitat, especially as some of the bodies they drain into are classified as main rivers or Mr.

00:48:59:11 - 00:49:30:13

four in this particular case. And we also note in this is that there's no there's sections on requirements for water and ground monitoring, but nothing in the DCO on air quality investigations as part of preliminary works. Um, we need some environmental baselines to ensure the safe operation of CCS. Given the local density of population, which sets it apart from other CCS schemes, it appears that current monitoring is limited to, uh, selection of substances in the flue gases, but not all relevant chemicals, which are not the wider environment.

00:49:30:27 - 00:49:41:06

Uh, we know that PFAS and other pollutants have been recorded as being emitted via air, and we believe that a preliminary air investigation would probably be necessary as well. And we're not sure why that isn't listed.

00:49:42:29 - 00:49:52:18

So just unclear that you felt there was an inconsistency between, uh, requirements 12 and 12 and 13 And.

00:49:54:04 - 00:50:25:07

Yes, in the sense that, uh, if you're not monitoring certain drainage ditches, certain parts of the nature reserves. Mr. For the major river, if that's not part of the Water Framework Directive, as stated in Q1. Um, that would be inconsistent with, you know, the sort of some of the requirements of the birds, you know, net biodiversity gain, because that would therefore mean that those watercourses, especially that contain water walls and other things, could be polluted fairly freely, uh, if they're not part of the water framework Directive.

00:50:25:16 - 00:51:02:13

Um, it could be that that was a misunderstanding of but, uh, that's what one said, that sites that they drain into are not included as part of the Water Framework Directive. And then. Yeah, also that, uh, we don't have any, uh, adequate air monitoring. I noticed that in Riverside's TOS thing. They said that associated induced fans and emissions control monitoring systems, but those are limited to flu. And then with, uh, the schedule one is up to two continuous emissions monitoring systems. But I mean, there are quite a few different vectors and sites that could be impacted by this.

00:51:02:15 - 00:51:06:11

So it's kind of it feels that the air monitoring is completely inadequate in this.

00:51:07:17 - 00:51:21:15

So you're saying that actually the from your understanding that the proposals for air monitoring for the carbon capture plant are different from those which are in place or would be in place for the riverside plants?

00:51:22:06 - 00:51:53:14

Uh, yeah. I think that from the it seems that they've said that they would introduce up to two new continuous emissions monitoring systems as part of this, but that, um, I mean, we don't have. It seems that there's sort of an oversight in general that there doesn't seem to be from our best understanding. We're not saying, uh, we're not saying that it's definitely the case, but from our understanding and from what we could find, we couldn't find anything on sort of local environment monitoring of air quality on the nature reserve or in the local areas around housing, especially in new developments.

00:51:53:28 - 00:52:19:06

And we're wondering, you know, especially CSS could have leaks. And there are also. Issues with potential. You know, there's a new build that's just been put up to Parliament on papers and things such as that, that there should be sort of some form of air monitoring so we can get preliminary levels and really understand the scope of what the issues might be. So another basically schedule that just needs approval from, uh, you know, relevant or enforcing bodies.

00:52:20:24 - 00:52:44:24

Okay. I think there's a number of, uh, points there, but I'll ask the applicant to, uh, respond to those. So I think the last point, if I understood it correctly, was about sort of off site air quality monitoring locations as well as this. Um, the point as to whether there's a difference between how air quality is going to be monitored on the riverside, uh, plants. And it would be on this.

00:52:46:06 - 00:53:08:27

Yeah. Um, yeah, exactly. And but also maybe even a sort of a general plan for air quality management, which could also include allow us to, you know, make changes to flu monitoring as well, or at least make representations as to the fact that we could change that or that we would like to see it changed. And it's a plan that needs to be approved.

00:53:11:19 - 00:53:42:26

We're talking about the applicant. So dealing with the drainage point, um, first, first of all, um, I think there's conflation of issues there because there's the question about our, uh, WMD assessment and what that might mean. Um, and then there's the question of how impacts to watercourses generally, uh, whether or not there or otherwise is managed. Um, and the point is, is that requirement 12 sets out. Uh, yes.

00:53:43:19 - 00:54:22:25

And we mentioned in the outline the bars about improving, um, the kind of water environment is a shorthand, um, within, within the mitigation enhancement area. It was also acknowledged in the outline drainage strategy, um, that there's inter linkages between, um, you know, providing the water to get the levels right in the mitigation area. And that is why requirement 32, um, is in there to ensure that when we're putting forward our drainage strategy and our strategies together, um, that the, uh, under our Bexley is able to to to consider that they are, um, consistent to ensure that the outcomes that we want to see achieved in the the buds are met.

00:54:23:11 - 00:54:59:27

Um, and also that the outcomes of the drainage strategy are met, which includes pollution control, um, in relation to air quality. So the simple answer is that, as with existing facilities, the actual act of monitoring and management of that monitoring will be done pursuant to the permitting regime. Um, and that's, you know, conditions, strict conditions will be put in place that will be monitored and reporting to the Environment Agency and everything that goes with it. Um, and I, you know, go back to the point I said earlier, the DCO shouldn't be duplicating, uh, the permitting regime and what it's there for.

00:55:05:23 - 00:55:06:20

Mr. Jokanovic.

00:55:09:14 - 00:55:49:26

Oh, yeah. Uh, just I guess this is a point that's also been brought up by other, um, other defendants and things. It's just that, um, is that, you know, a overreliance on permitting regimes hasn't necessarily led to desired outcomes. And these things do need reviewing. In specific circumstances, we have found. Uh, I think, you know, in our most recent written submission, we found, uh, at ten, you know, uh, force at ten times the EQS permitted for that, uh, and you know that we you know, that's a sort of a gap in the permitting regime.

00:55:49:28 - 00:56:07:27

So we don't necessarily think the permitting regime is suitable, uh, across the board and shouldn't be treated as such. And we think that overlaps could lead to big, uh, big gaps. And, you know, that could also lead to, you know, have knock on impacts on a whole range of things, whether that's, uh, insurance provision or lots of other things.

00:56:10:05 - 00:56:33:18

So, so is, is there a gap between what the, uh, the environmental permit regime measures, um, that should be picked up in any monitoring requirements in the DCO. Just take you on the point that you're saying that you're basically relying on the environmental permitting, uh, procedure for that sort of monitoring of or ongoing monitoring of emissions.

00:56:34:26 - 00:56:56:24

So it's not that there is no gap. Um, and I would just make the point that the position stated there is directly contrary to national policy statement or government policy. Um, they may or may not be agreed with, but that is the policy position. And there is no doubt, because the permitting regime specifically covers air quality monitoring from industrial installations.

00:57:02:03 - 00:57:02:24

Okay. Thank you.

00:57:05:13 - 00:57:06:09

Mr. Brown.

00:57:07:21 - 00:57:19:09

Uh, so I'm entirely in your hands, but since they were on requirement 12, I don't know whether we can make a few swift points on climate 12 before moving on or whether you want to circle back at the end of your list.

00:57:20:22 - 00:57:22:18

So these points about requirements.

00:57:22:20 - 00:57:23:16

Yeah. Requirements.

00:57:23:19 - 00:57:26:13

Well yes please. Yes, please. Since we've already done that.

00:57:26:15 - 00:57:58:27

Yes I'm grateful. Um, two hopefully very brief points. The first is in relation to the proposed habitat measures, um, within the labour to which requirement 12 relate. Uh, ten .1. 14 there's a list of proposed habitat measures, but there's no real detail on what the measures involved. Can we have some more detail as to what those measures are and how they're going to be provided, and how they're going to be recognized within the requirements? That's the first point.

00:57:58:29 - 00:58:04:20

So just just unclear that that that reference, ten point 14.1 is from the lab. From the lab.

00:58:04:26 - 00:58:05:26

Yeah. Precisely, sir.

00:58:08:21 - 00:58:43:01

And then the second point in a similar vein is that ten .1. 18 within the Labrador. Again, there's reference to a waterfall method statement, but that isn't reflected within the requirements. And in the lab itself, it says that the waterfall method statement has to be approved by an actual once approved by Natural England will be implemented as approved. But this no doesn't, or at least on the face of it, no apparent mechanism by which the statement is first produced is then reviewed and then implemented.

00:58:43:08 - 00:58:50:20

So again, can we have some more detail as to how that system is going to work in practice within the requirements?

00:58:51:27 - 00:59:03:11

Well, again, I'll let the applicant respond to that. I mean, I don't put words in my mouth, but it is the issue about the approval of a method statement. More to do with um, uh, protected species.

00:59:03:27 - 00:59:21:19

Well, yes, it would be subject to the licensing regime. And then we've got to comply with the conditions of the permit, which will tell us to do our activities in line with that method statement. Um, sorry, I didn't quite. I'm looking at the Lavazza and I'm struggling to find that first reference. Could you, could you give a complete sorry.

00:59:22:20 - 00:59:32:25

On mine on 10.1? Sorry, I've just lost my screen. Uh, I'm at 10.18, 14, 14.

00:59:42:28 - 01:00:12:24

So, um, so, uh, the idea of, of, um, this outline in the bards is to kind of set out outcomes. The purpose of of this is to then the details of the Bard are set in ten .1. 15. Um, the actual detail of exactly what we will do to achieve the accomplished in 10.1 14. Um, we would like to engage in the stakeholders and signed off by LBW. But for the purposes of assessment, that's what we're securing, is that those things would be delivered.

01:00:16:09 - 01:00:31:20

Um, and this is, this is entirely consistent with, uh, approaches on, you know, other DCS where you have landscape and environmental management plans. They don't have the detail of exactly every square inch of the mitigation areas. What exactly is going to happen at this stage in the process?

01:00:33:23 - 01:00:46:20

Um, are there any details as to how that consultation will actually work in practice because I know there's a requirement for consultation within requirement 12, but there's no detail as to how that will unfold unfold in practice.

01:00:48:14 - 01:01:22:14

Mr. Fox, the applicant, sir. Okay. Thank you sir. Um, so the the idea is the, um, requirement 12, uh, essentially allows for the, um, formal kind of consultation pursuant to, uh, the strategy that is

submitted for approval. But what we have added in various places in the outline, the bar is not just ten .1. 15 is essentially engaging with um stakeholder groups, including friends, of course, across the local nature reserve on what the proposals in that final document will look like.

01:01:22:28 - 01:01:27:09

So we've committed to that, uh, engagement in developing the final details.

01:01:29:21 - 01:01:30:18

Mr. Holloway.

01:01:31:00 - 01:01:31:21

Thank you, sir.

01:01:31:23 - 01:02:03:28

Um, Jed Holloway, save across ethnic reserve. Um, we appreciate those changes that have been made to the laboratory to add those references to friends, book life and so on. Um, Mr. Fox calls it a commitment. I don't see this as a material, prescriptive commitment. Certainly not one that is legally enforceable in any way. Um, it's it's common practice that if if a phrase, you know, consult, engage with I think we all know that is often very, very minimal or as minimal as it can be.

01:02:04:10 - 01:02:32:09

We're looking for something more prescriptive, more substantive, that actually gives a meaningful voice to that. I think in the first instance, that should be as much detail as possible at this stage. And there's a theme emerging here that we're lacking detail on, on a lot of points. And secondly, to the extent that detail does come later, that requirement to engage needs to be meaningful. It needs to be met with some sort of rite of approval or some sort of detail as to what that consultation looks like. Otherwise it can just be nominal.

01:02:33:21 - 01:02:46:05

And just to be to be clear. Are you saying that that should be expanded in the in the lab odds, which I think the applicants explained, is that their sort of, uh, strategic approach for that? Or are you suggesting that needs to be a requirement?

01:02:47:00 - 01:03:21:00

I'm suggesting, sir. Um, in the first instance, the best result would be that is exactly the sort of data that belongs in a 606 agreement. Um, failing that, more detail in the wording itself, because currently it says I'm quoting paragraph 10.1 .15, the environmental proposals would be developed through engagement with stakeholders brackets, including the graziers, bug Life, friends across Ness Local Nature Reserve and Thames Water. That doesn't mean anything in practice. That's not in any way, will not result in any substantive, or cannot be guaranteed to result in any substantive engagement.

01:03:22:21 - 01:03:24:16

I'll ask the applicant to respond to that.

01:03:24:20 - 01:03:31:29

Mr. Fox, on behalf of the applicant, uh, two things I'll say in response to that. First of all, requirement 12 requires the

01:03:33:23 - 01:04:22:18

Full of odds to be developed to accordance with the outline, which means that when we submit it, we will need to have shown that we've done that. Uh, consultation and engagement. The second point I will make is that, um, just, uh, to strengthen our commitment to this, which is a commitment because as set out in a document that's secured through the DCO breach, which is a criminal offence. So I'm not quite sure how much stronger it can be that we will put into, um, how to work out whether we're going to put it into the labels or the requirement itself. But what we will do is make a commitment that when we submit the detail of the bods to um LBB for approval, as part of doing so, we will submit an engagement report, which sets out how we've engaged with those parties and how we've been haven't been able to take into account what they have said.

01:04:23:12 - 01:04:29:29

So then LBB will directly be able to check that we have done the engagement that we've committed to the security of the DCA.

01:04:32:16 - 01:05:10:28

Jed Holloway. Save across this nature reserve. The point isn't that they won't do any engagement. The point is that the engagement is no threshold as to what that engagement looks like. It could be an email sent to friends. That is. Then, you know. You know, it could. It could be completely nominal. I'm not saying no engagement will happen, but no substantive engagement is required. Um, a commitment in future to flesh out the, um, the detail of what that consultative consultation is. One is not currently secured in any way. And two, again, uh, LBB doesn't have a right to review it and an ultimate right of approval of that, but there is no threshold on which they can insist.

01:05:11:01 - 01:05:31:21

There's no threshold of engagement on which they can turn around and insist upon. So their right to approval, um, isn't given any weight in relation to this particular point they can't point to. You haven't met the requisite level of engagement here, and therefore we can't approve this. But because there is no threshold level in the arts, If that makes sense.

01:05:34:13 - 01:05:51:15

Because, I mean, my understanding is, correct me if I'm wrong with the intention is to get good, to require the approval of the council, wouldn't it? So but you're saying it's all the way. There's no framework to, to judge what they should and shouldn't approve. Is that is that your point? Yes.

01:05:52:03 - 01:06:09:08

There's there's no LBB doesn't have a power to say. Well in theory they could say we don't think this consultation is good enough. But then there is they have nothing to point to, to, to, to rely on that. And therefore the applicant will then just turn around and say, well, we've consulted and that's all we're required to do.

01:06:10:06 - 01:06:46:01

But but if the ultimate I mean as I, as I read it, the council has the ultimate saying that they there's a requirement that it's approved in writing by the, by the council. So if the council is not satisfied for any reason, I mean, I know there might be further mechanisms if that, if that approval is with withhold Toll withheld. But would that not give you the the comfort? I mean obviously it's it's not your group. It's the council approved yet and Mr. Fox has said that they will furnish the council with a report explaining what the engagement has been, which I assume.

01:06:46:18 - 01:07:04:12

But, you know, one would presume would provide details of, you know, matters that have been raised that either have been incorporated into into the leopards or a good reason why they, they haven't. Um, so is that is that not sufficient for you or. Um.

01:07:05:01 - 01:07:29:05

So of course, this nature reserve, I think, as you touched upon, there's a disconnect between who's being consulted and who's approving. And we naturally have concerns about that. Um, and secondly, uh, again, it's that point of there needs to be a stronger substantive threshold with which LBB can insist upon otherwise. I think that right of approval loses its its real power.

01:07:33:04 - 01:07:45:26

I just just ask this. Is there anything the council would want to add? I mean, obviously from your planning side, I assume you're you're you're approving conditions and things all the time with reports and things. So.

01:07:47:04 - 01:08:19:24

Uh, Ken Chow for the council. Um, if I understand the position correctly from, um, Mr.. Um, sorry, Mr. Holloway. I think his point is that the consultation could, uh, could just be, uh, the parties meeting in the room, but they're not really listening or taking into account those representations and then going away and say, well, actually, we've consulted. Here's the document. London Borough of Bexley, please approve it. And the council wouldn't have the ability to go behind.

01:08:20:11 - 01:08:32:26

Uh, how much consultation has it has, has or has not taken place, but we couldn't say. How consciously have you taken into account those representations? I think I understand that that's your point, Mr. Holloway.

01:08:35:02 - 01:08:48:28

But I guess the question is, if the council felt that, would you not exercise your discretion in not approving the lavas, or is that something that you think you wouldn't have the ability to do?

01:08:49:10 - 01:08:52:25

I think our position is that that's something we wouldn't have the ability to do.

01:08:54:01 - 01:08:57:19

Well, I'll pass that to the to the applicant.

01:08:58:08 - 01:09:35:01

Sorry, Mr. Smith, the applicant. So I think, um, we would agree with the position that, um, Mr. Bexley is able to ask for more information in requiring discharge of requirements. The focus here is on the outcomes being achieved, um, economic outcomes being achieved. I would not, um, which seems to be intimidated by Mr. Holloway that anyone other than now we should have approval of the detail of the buds. Um, I think you would not be surprised that we don't agree with that, because it's a planning document and a planning matter, so it's suitable for LBB to be approving that.

01:09:35:21 - 01:10:20:07

Um, I think that we can, um, look at the wording of the boards, talk about, you know, through um, engagement, not just being emails that we will have meetings with the relevant stakeholders. Um, and as I said before, we will commit to, um, adding wording to say that we have produced a report of the engagement that we've, we've undertaken and how we've had regards to that engagement, which matches with the wording in the Planning Act, um, for statutory consultation. Um, so I don't I suppose what I'm getting at here is that there's no point right now saying we will have three meetings with, say, process and therefore have two meetings with the life and one meeting with bug life and one meeting with the graziers.

01:10:20:18 - 01:10:32:27

It's going to be an iterative process in developing these proposals, these proposals which we've committed, uh, to engaging on. Um, and I'll consider if we've done enough.

01:10:34:26 - 01:11:05:21

Well, you mentioned that, um, uh, there's you're going to have a look at the wording in the ads. You mentioned also, uh, an undertaking about the sort of, uh, effectively a consultation report which obviously haven't provided details of it. Um, my mind immediately jumps to what you need to provide with your with your application that obviously, you know, that describes what you've done, what you, who you spoke to, how you did it and what the what the results, uh, what the results were.

01:11:06:02 - 01:11:34:04

I think I think what would be helpful is if, um, both the council and the nature reserve can actually have a look at what those are and to see whether actually that that does give them any comfort, both from the council's point of view of the the ability or otherwise to to consider that something has been submitted in order to discharge requirement 12. And you know, whether again, in terms of the the concerns, which I think

01:11:35:29 - 01:12:02:14

to paraphrase Mr.. Mr. Holloway, I think the concern seems to be that, um, consultation where, uh, people's views aren't actually then taken, taken genuinely taken into account and taken on board and then shown in presumably a revised or particular details in the, in the absence. Um, so I think that'd be the helpful thing to do is to provide that information and to give those parties the opportunity to, uh, to comment on it.

01:12:04:00 - 01:12:17:08

Yes, I agree, so I think we will have heard that correctly as well. But I think, um, if we put the proposal forward for how we would amend the deadline forward, and then others can comment on that, including the requirement.

01:12:18:06 - 01:12:18:21

Thank you.

01:12:21:05 - 01:12:24:21

What was that? That was the retirement you wanted to talk about, was it?

01:12:25:00 - 01:12:27:18

Precisely. That's all I wanted to talk about.

01:12:27:20 - 01:12:28:10

Thank you.

01:12:28:23 - 01:12:33:25

I'm conscious. Um, unconscious is 1:00, and I keep getting whiffs of lunch coming up.

01:12:33:27 - 01:12:34:12

From.

01:12:35:10 - 01:13:32:28

The kitchen, which is making my tummy rumble. But, um, there's just a couple of things I'd like to, uh, to to ask. The next one is requirement 21. Um, this is, I think, fairly straightforward, but at the moment it requires the implementation of a ground condition strategy. And, um, my question is really is that sufficient, you know, as opposed to, to more detail in the requirement about how, how many issues will be, um, remediated, I guess. Um, you know, I, I was surprised that this was written in the, in the phrase of just approving a strategy as opposed to something that's a bit more explicit with the schedule of what, what the strategy must do and provide, you know, a risk assessment to inform the Strategy Site Investigation Scheme, informing remediation strategy to be approved by the by the local planning authority, including protocols for testing, importing materials and then a verification plan approved.

01:13:33:24 - 01:14:04:26

Because also there does seem to be a misstep and obviously some requirements are quite explicit about what's expected. The requirements that we just talked about a little advance, you know, it goes into detail about what what that needs to contain. So I, I guess I'm just saying why isn't it that's what you might expect to be a more typical sort of land condition contamination requirement, which basically sets out the steps. And it's very clear for both the applicant and for the local authority.

01:14:05:09 - 01:14:20:19

Um, you know, what needs to what needs to happen. That doesn't mean to say a strategy isn't required, but it just it just sets out the steps. And what also what happens, you know, usually occurs what happens if things are found which weren't expected, etc.. Whilst you're on site.

01:14:21:02 - 01:15:18:27

Yes, sir. If I'm conscious of time, if I can just ask to be put on the screen. Um. Chapter 17 of the. Yes, and specifically figure 1703. Um, because I think this helps, uh, set the context for why we've taken

the approach that we have done for the requirements. And because I totally appreciate your point, said that most most RTS have have more detailed wording. Um, and whilst that's being brought up so I would my starting point is to make the reference to the definitions within schedule two, which refers to what that investigation and assessment strategy includes, which is setting out our proposals for investigating, assessing and remediating ground condition contamination and ground stability matters, uh, including in respect of the listed issues, unexploded ordnance planning, risk assessment, verification reports, etc.

01:15:18:29 - 01:15:53:17

so the idea is that we produce a strategy that deals with all of those things, uh, that is signed off by under. And then as per the second paragraph of article 21, we've then got to deliver that strategy. So and on other DCS, uh, the, the, there's the prescribed, the steps that are taken. But in this situation, not all the steps are necessarily going to be in the order that you often see in these requirements, because there's so many interrelated, um, investigations and assessments that need to be done.

01:15:54:02 - 01:16:00:14

Um, if you can. Yes. Uh, so figure 17 three, which is on page 53.

01:16:14:29 - 01:16:15:26

Further up, I think.

01:16:18:27 - 01:16:19:16

53.

01:16:28:07 - 01:17:25:17

That so so this is what we anticipate in this very question. So, um, was what we put into the application to try and explain how all the different documents interrelate and that it's not just a step of one thing after the other. Um, and that the grand mediation strategy is related to the earthworks specification, which is related to the planning risk assessment, which is related to drainage design. So that's why we've taken the approach of saying, once we get the detailed contractors on board and they've worked out how we're going to deal with all of those risks together, we put that forward in a strategy that's signed off by LBB, and then we've got to, um, uh, carry out the development in accordance with the various steps that are set out within that strategy, but we didn't want to say right now that there is a certain order of events when there's so many different things all interrelate to do it together.

01:17:27:13 - 01:17:27:28

Okay.

01:17:28:00 - 01:17:32:04

Thank you. I understood, uh, briefly, Mr. Travis.

01:17:33:24 - 01:18:06:24

Yeah. Um, sorry. Very quick. Uh, just basically, um, well, we do understand that some things that haven't been sort of laid out quite yet, we do also acknowledge that, you know, you personally were talking about sort of testing coming up in the coming months, and we still don't really have clarity on

whether people will be actually included on that, and also at what concentrations are going to be testing for, because some labs testing milligrammes instead of nanograms, which is desperately unsuitable. And so, you know, we don't necessarily have exact understanding of the exact nature of those tests.

01:18:07:09 - 01:18:10:17

And yeah, timescale, which is I know something that you've mentioned before.

01:18:15:16 - 01:18:17:28

I'll ask the applicant to respond to that.

01:18:19:03 - 01:18:45:03

I mean, yeah, the as with all, um, uh, contaminants as much as PFAS, false PPE, etc., that would be part of the um, GI and quantitative risk assessment processes that we will do. Um, but as I said, that's that's getting signed off by Bexley to make sure that our, um, ground condition remediation process is robust.

01:18:48:22 - 01:18:50:14

Thank you.

01:18:50:16 - 01:19:07:24

I think this is this will be a good point to, uh, to have a break for for for lunch. Um. It's nightmare. It's past one. Uh, we'll have a slightly shorter lunch by our suggests that we have, uh, that we resume at 2:00. Um, so the the hearing is now adjourned. We will resume at 2:00. Thank you.