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1

00:00:00.080 --> 00:00:03.660

Okay. So, uh, it's- it is now midday

2

00:00:03.740 --> 00:00:07.310

and time for this hearing to resume.

3

00:00:08.260 --> 00:00:11.660

Um, as I said before the break,

4

00:00:12.100 --> 00:00:15.760

um, w- um, we've just got a few examining authority questions,

5

00:00:15.880 --> 00:00:19.700

um, regarding the articles and schedules, which will, um, I

6

00:00:19.720 --> 00:00:23.140

think, almost exclusively be aimed at the applicant's

7

00:00:23.220 --> 00:00:26.960

team. Uh, hopefully some of them are quick fire and, uh, then

8

00:00:27.000 --> 00:00:30.460

we'll, uh, be able to get on to protective

9

00:00:30.470 --> 00:00:34.430

provisions. Um, I

10

00:00:34.440 --> 00:00:38.020

think my first few questions, um, a lot of them

11

00:00:38.100 --> 00:00:42.050

arise from the, um, as the applicant will

12

00:00:42.080 --> 00:00:46.060

no doubt be aware, the, um, Secretary of State's very recent

13

00:00:46.140 --> 00:00:50.080

decision letter of the 14th of October of this

14

00:00:50.200 --> 00:00:53.780

year, uh, in relation to the Tilbridge Solar, uh, Development

15

00:00:53.880 --> 00:00:57.810

Consent Order. Um, and just the- the implications of some of

16

00:00:57.840 --> 00:01:01.800

the, uh, matters that were contained, uh, within that, uh,

17

00:01:01.860 --> 00:01:05.420

perhaps for some of the, um, articles, um,

18

00:01:05.980 --> 00:01:08.240

within, uh, this, uh, draft

19

00:01:08.580 --> 00:01:12.410

DC0. Um, so I- I suppose starting with the one that

20

00:01:12.720 --> 00:01:16.400

perhaps has the- the- the most significant implications, uh, in

21

00:01:16.480 --> 00:01:20.180

relation to Article 22, uh, compulsory

22

00:01:20.220 --> 00:01:23.780

acquisition and temporary possession time limits.

23

00:01:23.860 --> 00:01:27.240

Um, you- you, I imagine, no doubt aware of the Secretary of State's

24

00:01:27.420 --> 00:01:31.260

views in that Tilbridge, uh, decision

25

00:01:31.580 --> 00:01:35.460

that the, uh, what is called normal five-year

26

00:01:35.500 --> 00:01:39.420

period is an adequate timeframe in which to

27

00:01:39.500 --> 00:01:43.110

serve the notice to treat in respect of compulsory

28

00:01:43.200 --> 00:01:47.140

purchase, um, and that there should be no extension of time

29

00:01:47.260 --> 00:01:50.920

due to any legal challenge. Um, the

30

00:01:50.960 --> 00:01:54.660

question is, does the applicant have any views, um, in relation to

31

00:01:54.760 --> 00:01:58.380

its currently drafted approach to Article 22,

32

00:01:58.820 --> 00:02:02.530

um, and the associated definition of applicable period,

33

00:02:03.080 --> 00:02:06.990

uh, in Article 2 (1) in- in light of,

34

00:02:07.100 --> 00:02:10.300

um, this opinion of the Secretary of State?

35

00:02:10.419 --> 00:02:14.160

Um, I did wonder whether this was, um, something that,

36

00:02:14.240 --> 00:02:17.780

uh, might be, um, appropriate for- for an action point,

37

00:02:18.040 --> 00:02:21.420

um, that you might want to give some thought to and, uh, come

38

00:02:21.460 --> 00:02:24.380

back, um, to the examining authority

39

00:02:24.500 --> 00:02:27.160

on?

40

00:02:33.040 --> 00:02:35.269

Uh, Claire Brodrick for the applicant.

41

00:02:35.320 --> 00:02:36.200

Um,

42

00:02:38.020 --> 00:02:41.640

our position here is that potentially the Secretary of State

43

00:02:41.800 --> 00:02:45.700

didn't understand the justification, um, being provided.

44

00:02:45.740 --> 00:02:49.420

The intention was to make the time limits under the DCO

45

00:02:49.520 --> 00:02:53.200

process consistent with the time limits if you are making a compulsory

46

00:02:53.260 --> 00:02:57.040

purchase order, um, under the Acquisition of Land Act, for example, where some

47

00:02:57.460 --> 00:03:01.100

further provisions were brought in to do exactly what is being

48

00:03:01.160 --> 00:03:02.740

suggested here. I think

49

00:03:03.600 --> 00:03:07.030

in light of the Tilbridge decision, we have been considering whether we need to,

50

00:03:07.100 --> 00:03:11.000

um, bolster the text in the explanatory memorandum to

51

00:03:11.060 --> 00:03:13.140

set that out. So, the applicant is going to

52

00:03:14.200 --> 00:03:18.130

continue to try to (laughs) include drafting to the

53

00:03:18.160 --> 00:03:21.520

effect that it's suggested, but we will add in the next version of

the

54

00:03:21.580 --> 00:03:25.040

explanatory memorandum, um, some further text to

55

00:03:25.080 --> 00:03:28.460

explain the justification, um, for that

56

00:03:28.500 --> 00:03:32.400

wording in the hope that we can persuade the

57

00:03:32.420 --> 00:03:35.160

Secretary of State as to why it's appropriate to have that.

58

00:03:35.180 --> 00:03:38.920

But for- for those in the room, it- it- it basically stops the clock
if

59

00:03:38.960 --> 00:03:41.900

somebody tries to judicially review,

60

00:03:42.020 --> 00:03:45.950

um, the- the DC0 because potentially if that was

61

00:03:45.980 --> 00:03:49.480

a long judicial review, it could eat into several years of that

62

00:03:49.520 --> 00:03:53.500

five-year timeframe period, particularly if it was taken to the
Supreme

63

00:03:53.600 --> 00:03:56.860

Court, which has been done on other development consent orders.

64

00:03:56.920 --> 00:03:58.400

So, the applicant does consider

65

00:03:59.280 --> 00:04:03.070

that to be justifiable because it would be very unusual for, um,

66

00:04:03.960 --> 00:04:07.620

an applicant to take the risk of utilizing those powers if its

67

00:04:07.640 --> 00:04:10.560

consent was, um, being challenged.

68

00:04:10.660 --> 00:04:11.800

Um, so we will

69

00:04:13.680 --> 00:04:16.860

try and expand on the justification in the explanatory memorandum on that

70

00:04:16.880 --> 00:04:20.339

particular point.

71

00:04:20.459 --> 00:04:24.340

Thank you. I think the examining authority would find that helpful for, uh,

72

00:04:24.380 --> 00:04:27.500

when we have to write about it in the recommendation.

73

00:04:28.940 --> 00:04:32.440

Um, so, um, sticking with, uh, Tilbridge decision

74

00:04:32.640 --> 00:04:36.560

implications or possible implications, um, does

75

00:04:36.620 --> 00:04:40.120

the applicant consider that it will need to revisit its

76

00:04:40.220 --> 00:04:43.180

definition of authorised developments in the

77

00:04:43.820 --> 00:04:47.410

draft DCO, uh, under Article 2 (1)

78

00:04:47.640 --> 00:04:51.320

interpretation? Um, i.e., for anybody who

79

00:04:51.380 --> 00:04:55.060

hasn't, uh, seen the Tilbridge decision, uh, add in

80

00:04:55.140 --> 00:04:59.020

reference to associated developments into the initial

81

00:04:59.160 --> 00:04:59.780

part of the

82

00:04:59.820 --> 00:05:04.780

definition.

83

00:05:28.960 --> 00:05:30.300

Uh, Claire Brodrick with the applicant.

84

00:05:30.380 --> 00:05:34.080

Um, we note that this is, uh, a change that has gone into

85

00:05:34.340 --> 00:05:38.180

a number of recently granted development consent

86

00:05:38.240 --> 00:05:41.380

orders, so it does appear to be sort of a, like

87

00:05:41.420 --> 00:05:44.300

a- a statutory drafting, um,

88

00:05:45.020 --> 00:05:46.300

change, um,

89

00:05:47.760 --> 00:05:49.870

that has been included. I don't...

90

00:05:49.880 --> 00:05:53.020

I think our initial view is that we don't think it makes too much difference, but

91

00:05:53.060 --> 00:05:56.940

we will give it some thought and if we, um,

92

00:05:56.980 --> 00:06:00.280

consider it appropriate to do so, then we can add it into the next

version of the

93

00:06:00.320 --> 00:06:03.480

draft DC0. Um, but yeah, thank you.

94

00:06:08.764 --> 00:06:12.464

Thank you. Um, I promise n- not all of the questions are

95

00:06:12.484 --> 00:06:16.404

related to the Tilbridge decision letter, but just, just one more quick one.

96

00:06:16.504 --> 00:06:20.244

Um, similarly around, um, article 2 (1)

97

00:06:20.404 --> 00:06:24.304

interpretation, um, does the applicant intend to

98

00:06:24.424 --> 00:06:28.304

amend the definition of maintain in its draft

99

00:06:28.324 --> 00:06:31.824

DC0 to include reference to the

100

00:06:31.924 --> 00:06:35.554

extent that those elements were assessed in the environmental

101

00:06:35.704 --> 00:06:38.064

statement?

102

00:06:38.164 --> 00:06:41.284

Uh, Alison Dablin for the applicant.

103

00:06:41.324 --> 00:06:45.164

The, um, drafting of this definition is intentional and it is

104

00:06:45.204 --> 00:06:48.464

consistent with, uh, statutory instrument drafting practice

105

00:06:49.004 --> 00:06:52.704

in that a definition should be just that and should not contain an

106

00:06:52.784 --> 00:06:55.364
operational provision. Uh, the

107

00:06:56.264 --> 00:06:59.284
constraint on what maintain can,

108

00:06:59.444 --> 00:07:03.064
uh, include is set out in

109

00:07:03.084 --> 00:07:07.024
article five, paragraph three, which confirms that

110

00:07:07.084 --> 00:07:10.994
the article authorizing maintenance does not authorize the carrying

111

00:07:11.064 --> 00:07:14.334
out of maintenance, which is likely to give rise to any materially
new or

112

00:07:14.384 --> 00:07:18.064
materially different environmental effects in comparison with those
reported

113

00:07:18.104 --> 00:07:20.664
into, in the environmental statement.

114

00:07:20.674 --> 00:07:24.324
This is, uh, considered to, uh, reflect best

115

00:07:24.384 --> 00:07:27.464
drafting practice and, um, will be maintained.

116

00:07:27.484 --> 00:07:27.624
Thank

117

00:07:27.664 --> 00:07:32.084
you.

118

00:07:35.424 --> 00:07:37.744
Thank you. That's, uh,

119

00:07:37.784 --> 00:07:39.724
helpful.

120

00:07:41.164 --> 00:07:42.154
Um, so turning

121

00:07:43.084 --> 00:07:46.314
very quickly, uh, to article, uh,

122

00:07:46.364 --> 00:07:49.644
16, um, 16 (4)

123

00:07:49.644 --> 00:07:52.514
, um, which, um,

124

00:07:52.964 --> 00:07:56.824
requires, um, consent from the

125

00:07:57.264 --> 00:08:00.964
Traffic Authority, um, in relation to

126

00:08:00.974 --> 00:08:03.624
traffic regulation measures this is.

127

00:08:03.724 --> 00:08:07.554
Um, but, um, only consultation with the, uh,

128

00:08:07.684 --> 00:08:11.304
chief officer of police. Um, just, just an open question,

129

00:08:11.684 --> 00:08:15.464
uh, um, to the applicant. Is, is this a sort of common typical

130

00:08:15.624 --> 00:08:19.163
approach, um, or might it be appropriate to also

131

00:08:19.204 --> 00:08:22.824
require consent from the chief, um, officer

132

00:08:22.884 --> 00:08:26.494
of police and, um, also whether you've had

133
00:08:26.524 --> 00:08:30.464
any, um, discussions with the, uh, police on that

134
00:08:30.604 --> 00:08:34.804
matter?

135
00:08:55.584 --> 00:08:59.464
Alison Dablin for the applicant. Um, we believe

136
00:08:59.474 --> 00:09:03.424
that the approach of consulting with the police and obtaining

137
00:09:03.444 --> 00:09:07.424
consent of the Traffic Authority is consistent with the, uh,
standard,

138
00:09:07.504 --> 00:09:11.424
um, process under wider highways law, but we will take, uh,

139
00:09:11.644 --> 00:09:15.144
that away as an action to, um, double check and confirm in

140
00:09:15.184 --> 00:09:17.724
writing. Thank you.

141
00:09:17.784 --> 00:09:19.284
Thank you.

142
00:09:21.404 --> 00:09:24.424
Okay. Um, turning now to schedule two

143
00:09:24.684 --> 00:09:28.624
requirements, um, trying to pick up on some points that haven't

144
00:09:28.684 --> 00:09:32.244
already been raised. Uh, should there be a

145
00:09:32.344 --> 00:09:35.793

standalone requirement for an operational

146

00:09:36.104 --> 00:09:38.264

waste management plan or

147

00:09:38.304 --> 00:09:44.483

equivalent?

148

00:09:49.544 --> 00:09:51.124

Uh, Clare Budge for the applicant.

149

00:09:51.164 --> 00:09:54.174

We will just double check, but I believe the, um,

150

00:09:54.964 --> 00:09:58.944

waste during, um, the operational phase is, forms part

151

00:09:59.024 --> 00:10:02.444

of the operational environmental management plan and therefore is

152

00:10:02.484 --> 00:10:05.904

covered by that requirement and therefore there isn't a need for a

153

00:10:05.964 --> 00:10:09.904

separate, um, requirement to, to deal with it,

154

00:10:09.944 --> 00:10:10.194

but-

155

00:10:10.824 --> 00:10:14.084

I think that's, that's how I understand it's

156

00:10:14.124 --> 00:10:18.084

drafted. Um, I'm conscious there is some, uh, precedence

157

00:10:18.344 --> 00:10:22.284

in Byres Gill or Tilbridge, for example, where there

158

00:10:22.444 --> 00:10:25.464

is, um, a se- a separate standalone

159

00:10:25.824 --> 00:10:29.763

requirement, uh, around waste, um,

160

00:10:29.864 --> 00:10:33.734

or I think with Cothamum and Cleeve Hill, um,

161

00:10:33.784 --> 00:10:37.544

waste is specifically referred to under the,

162

00:10:37.604 --> 00:10:41.504

um, operational Environmental Management Plan requirement.

163

00:10:42.284 --> 00:10:45.784

Um, it's just I'm conscious of the, you know, the, the scale of, of

164

00:10:45.844 --> 00:10:49.714

this, um, of this proposal, um,

165

00:10:49.764 --> 00:10:53.514

alongside, you know, other, um, solar DCOs that have been

166

00:10:53.624 --> 00:10:57.344

made. Um, and that if waste management

167

00:10:57.384 --> 00:11:00.844

plans have specifically been required at others,

168

00:11:00.964 --> 00:11:04.564

um, logically, um, would it not be a

169

00:11:04.584 --> 00:11:07.724

significant enough issue, uh, to warrant its own

170

00:11:08.144 --> 00:11:11.964

requirements or, um, mention rather than it

171

00:11:12.044 --> 00:11:12.364

just

172

00:11:13.304 --> 00:11:15.974

sort of being captured under the, uh,

173

00:11:16.004 --> 00:11:18.524

OMP?

174

00:11:18.644 --> 00:11:19.864

Uh, Clare Budge for the applicant.

175

00:11:19.944 --> 00:11:20.054

Um,

176

00:11:21.564 --> 00:11:24.594

I can't obviously speak for all the projects. Sometimes the...

177

00:11:24.604 --> 00:11:28.224

A separate requirement is added because the waste planning authority is

178

00:11:28.244 --> 00:11:31.984

different from the relevant planning authority, which is the district authority

179

00:11:32.044 --> 00:11:36.034

where you've got a district county split, um,

180

00:11:36.064 --> 00:11:39.804

in a particular area, which was the case in, um, Cotham and West

181

00:11:39.864 --> 00:11:43.704

Burton that there was a district authority and a county, county authority

182

00:11:43.764 --> 00:11:47.644

who were for, who were dealing with different, um, different points.

183

00:11:47.724 --> 00:11:51.544

So, sometimes that's the reason for having a

184

00:11:51.564 --> 00:11:52.714

specific, um,

185

00:11:53.604 --> 00:11:56.114
point. It may be something that we, um,

186
00:11:57.304 --> 00:12:00.864
consider whether there is some further wording we can add to the

187
00:12:00.944 --> 00:12:03.864
outline OEMP just to make the point clear that,

188
00:12:03.944 --> 00:12:07.184
um, uh, as to what's required in terms of

189
00:12:07.904 --> 00:12:11.124
the level of detail, um, to be provided in relation

190
00:12:11.204 --> 00:12:15.145
to-... waste management, and that might be, because

191
00:12:15.176 --> 00:12:18.396
obviously it's the same authority in this,

192
00:12:18.496 --> 00:12:22.436
um, for this particular project, whether it's, it's something we

193
00:12:22.476 --> 00:12:26.226
just add as, um, as an additional sentence to the,

194
00:12:26.316 --> 00:12:29.896
um, outline OMP, rather than it needing to be a standalone

195
00:12:29.936 --> 00:12:30.976
requirement. Thank

196
00:12:31.016 --> 00:12:35.996
you.

197
00:12:36.016 --> 00:12:38.216
Thank you.

198
00:12:40.176 --> 00:12:42.516
Um, turning to requirement

199

00:12:42.836 --> 00:12:46.676
four. Um, as currently drafted, um,

200

00:12:46.816 --> 00:12:50.476
specifying that the community liaison group must

201

00:12:50.596 --> 00:12:54.456
be established, um, prior to commencement of

202

00:12:54.536 --> 00:12:55.396
development.

203

00:12:56.196 --> 00:12:56.376
Um,

204

00:12:57.516 --> 00:13:01.316
a- again, so open question, would there not be a benefit

205

00:13:01.396 --> 00:13:05.356
to committing to establishing this group at an earlier

206

00:13:05.396 --> 00:13:09.036
defined point? Um, could the applicant

207

00:13:09.056 --> 00:13:12.386
consider whether a form of words could be, um,

208

00:13:12.496 --> 00:13:15.516
drafted that might secure establishment of this

209

00:13:15.576 --> 00:13:17.036
group, um, at

210

00:13:17.516 --> 00:13:20.116
earlier?

211

00:13:21.436 --> 00:13:24.236
Uh, Clare Budge of the applicant. We can definitely take the point
away and

212

00:13:24.576 --> 00:13:28.456
consider... it. Um, obviously

213

00:13:28.536 --> 00:13:29.556
the,

214

00:13:30.496 --> 00:13:34.416
the DCO requirements have specific sort of

215

00:13:34.436 --> 00:13:38.396
triggers. Either it's on commencement, and then some of them are

216

00:13:38.436 --> 00:13:42.396
prior to the commencement of, um, sort of, or they apply even if
it's related to

217

00:13:43.096 --> 00:13:45.476
sort of permitted preliminary works.

218

00:13:45.576 --> 00:13:48.496
Um, so we can give that some, some further thought.

219

00:13:48.536 --> 00:13:50.516
Thank you.

220

00:13:50.576 --> 00:13:54.216
Thank you. Yes, I, I appreciate that sort of limitation on trigger
points, but

221

00:13:54.276 --> 00:13:57.836
yeah, if, if you could, um, uh, look into that, that would be

222

00:13:58.496 --> 00:14:02.316
very helpful. Thank you. Uh, turning

223

00:14:02.416 --> 00:14:05.316
now...

224

00:14:05.416 --> 00:14:09.356
Oh. Um, turning now to, um, requirement,

225

00:14:09.456 --> 00:14:09.646

um,

226

00:14:10.736 --> 00:14:12.016

5.4.

227

00:14:13.516 --> 00:14:17.376

Um, should work number six, um, also

228

00:14:17.476 --> 00:14:21.096

be included here, uh, given that there are

229

00:14:21.156 --> 00:14:24.396

concept design parameters and principles

230

00:14:25.016 --> 00:14:27.696

set out in the latest version of that, which is

231

00:14:27.796 --> 00:14:31.726

REP1151, um,

232

00:14:31.876 --> 00:14:34.556

for those components of the scheme?

233

00:14:34.636 --> 00:14:38.556

Um, I, I obviously acknowledge that requirement 10,

234

00:14:38.656 --> 00:14:42.436

um, as a sort of standalone requirement, secures fencing and other forms of

235

00:14:42.476 --> 00:14:46.256

enclosure. Um, but there are other matters covered by the

236

00:14:46.296 --> 00:14:50.056

concept design parameters and principles in relation to

237

00:14:50.096 --> 00:14:53.676

work number six that perhaps don't

238

00:14:53.736 --> 00:14:57.216

appear to be secured, um, under requirement

239

00:14:57.415 --> 00:14:58.496

five as it's currently

240

00:14:58.536 --> 00:15:01.996

drafted.

241

00:15:16.496 --> 00:15:20.236

Uh, Clare Budge of the applicant. Um, as you'd mentioned with the reference

242

00:15:20.356 --> 00:15:24.236

to specifically to the fencing, um, the reason why

243

00:15:24.256 --> 00:15:27.636

it hasn't been specifically referred to is because each of the elements of work

244

00:15:27.676 --> 00:15:31.545

number six fall within one of the other, um,

245

00:15:31.896 --> 00:15:35.496

management plans. So, landscape is dealt with under the LEMP,

246

00:15:35.596 --> 00:15:38.776

um, th- then also sort of drainage is another one.

247

00:15:38.856 --> 00:15:42.776

Um, footpath diversions comes under the, um,

248

00:15:43.016 --> 00:15:44.996

Public Rights of Way Diversion Plan.

249

00:15:45.036 --> 00:15:48.626

So I, it's consistent with other DCOs, but it was considered that

250

00:15:48.676 --> 00:15:52.656

the, um, the specific design parameters

251

00:15:52.716 --> 00:15:56.216
that were referred to for those work numbers are then dealt with

252
00:15:56.296 --> 00:15:58.576
in the management plans, um,

253
00:15:59.456 --> 00:16:02.876
themselves, which again, the outlined versions of

254
00:16:02.915 --> 00:16:04.325
which, um,

255
00:16:06.056 --> 00:16:09.436
contain the commitments that are set out in the concept design

256
00:16:09.476 --> 00:16:13.346
parameters. Um, but we can, um,

257
00:16:13.976 --> 00:16:16.396
go through and provide a sort of, um,

258
00:16:17.415 --> 00:16:20.216
signposting, if that would be helpful, for the relevant

259
00:16:21.016 --> 00:16:24.876
parameters that are in the concept design parameters document, to

260
00:16:24.915 --> 00:16:28.876
confirm where they are secured in other, um, documents

261
00:16:28.896 --> 00:16:32.456
in the DC0. So you can be, um, assured it's not been missed, those

262
00:16:32.476 --> 00:16:33.056
commitments.

263
00:16:33.516 --> 00:16:37.125
I, I think that would be helpful. Um, I think perhaps the ones, um,
that

264
00:16:37.156 --> 00:16:40.556

immediately sprung to mind, I've not got the, um, design principles document in

265

00:16:40.596 --> 00:16:44.476

front of me, but things around CCTV columns, lighting,

266

00:16:44.536 --> 00:16:48.256

whether they're sort of, um, covered with, were the ones that

267

00:16:48.296 --> 00:16:51.846

immediately jumped out to me. But yes, if you wouldn't mind providing,

268

00:16:51.936 --> 00:16:55.906

um, signposting and give us, um, comfort that it's, um,

269

00:16:55.976 --> 00:16:58.776

all secured, that would be great.

270

00:17:01.836 --> 00:17:05.526

Um, moving on to requirement six. Um,

271

00:17:06.195 --> 00:17:09.715

sh- should the Health and Safety Executive be added to the list of

272

00:17:09.776 --> 00:17:13.746

consultees for the battery storage safety management

273

00:17:13.856 --> 00:17:16.096

plan?

274

00:17:28.195 --> 00:17:31.796

Alison Devlin for the applicant. Um, we believe

275

00:17:31.976 --> 00:17:35.896

that there has been in the past a request from the Health and Safety Executive that

276

00:17:35.936 --> 00:17:39.816

they are not consulted, uh, but we will take that away

277

00:17:40.016 --> 00:17:43.996
and, um, confirm. Um, I think just

278
00:17:44.036 --> 00:17:47.796
going back to, um, conversations that were touched on

279
00:17:47.876 --> 00:17:51.616
in ISH, uh, 2 as well, in relation to the battery

280
00:17:51.676 --> 00:17:55.235
safety, uh, th- th- the best is

281
00:17:55.436 --> 00:17:59.185
that in the, uh, in the unlikely event that,

282
00:17:59.276 --> 00:18:03.266
um, there are chemicals that meet the thresholds for it to be,

283
00:18:03.356 --> 00:18:06.696
um, requiring a hazardous substances consent, then that regime would be

284
00:18:06.735 --> 00:18:10.516
triggered. Um, so, uh, our view is that,

285
00:18:10.636 --> 00:18:14.566
um, it is not necessary to separately consult with the Health and

286
00:18:14.616 --> 00:18:18.446
Safety Executive. But as I say, we will take it away and,

287
00:18:18.456 --> 00:18:19.656
um, confirm.

288
00:18:23.286 --> 00:18:27.186
Thank you for that explanation. And yes, if you- if you could, um, come back to us

289
00:18:27.206 --> 00:18:30.706
and confirm that, that would be very helpful.

290

00:18:30.766 --> 00:18:34.426

So in terms of, uh, requirement nine, uh,

291

00:18:34.446 --> 00:18:38.426

biodiversity net gain, um, appreciate not- not

292

00:18:38.506 --> 00:18:42.476

mandatory yet. Um, and we are aware

293

00:18:42.566 --> 00:18:46.486

of, um, the applicant's response to, uh, West

294

00:18:46.606 --> 00:18:49.946

Northamptonshire Council's local impact report set out

295

00:18:50.026 --> 00:18:51.336

in rep.

296

00:18:52.186 --> 00:18:56.146

2, uh, 049, that, um, your response says,

297

00:18:56.166 --> 00:19:00.146

"Specific figures over 10% net gain cannot be

298

00:19:00.186 --> 00:19:03.846

committed to at this stage in the process, as the figures in the

299

00:19:03.886 --> 00:19:07.506

submitted BNG assessments are indicative." Which are fair

300

00:19:07.586 --> 00:19:11.126

comments. Um, this is perhaps understandable, um, in

301

00:19:11.146 --> 00:19:14.346

relation to hedgerow units and water course units

302

00:19:14.366 --> 00:19:18.006

assessed, um, at 80- sort of roughly 18 and

303

00:19:18.066 --> 00:19:21.756

16% respectively. Um, but with

304

00:19:21.886 --> 00:19:25.866

area-based habitat units being initially assessed at sort of

305

00:19:26.186 --> 00:19:30.106

70%-ish, um, could the applicant not

306

00:19:30.166 --> 00:19:33.926

commit to a higher figure than 10% for

307

00:19:33.936 --> 00:19:35.706

those area-based habitat

308

00:19:35.906 --> 00:19:41.446

units?

309

00:19:58.806 --> 00:20:02.386

(pauses) So whilst the applicant's, uh, sort

310

00:20:02.426 --> 00:20:06.356

of, um, thinking of an answer there, i.e., um, I'm- I was

311

00:20:06.386 --> 00:20:09.576

sort of asking that question a little bit on behalf of West
Northamptonshire

312

00:20:09.666 --> 00:20:13.256

Council, so please do, um, chip in on this one if, um...

313

00:20:13.256 --> 00:20:16.846

'Cause obviously I know it was a point you raised in your local
impact report.

314

00:20:29.566 --> 00:20:36.326

(pauses)

315

00:20:36.426 --> 00:20:37.866

Uh, Claire Project for the applicant.

316

00:20:37.946 --> 00:20:38.586

Um,

317

00:20:39.726 --> 00:20:43.306

we note the point and we're- in respect of habitat units, we will take the point

318

00:20:43.326 --> 00:20:47.066

away. We are obviously aware that Secretary of State has

319

00:20:47.146 --> 00:20:50.986

chosen to impose higher (laughs) figures in other

320

00:20:51.066 --> 00:20:54.646

more recently granted, um, DCOs, um,

321

00:20:54.726 --> 00:20:58.546

and, um, as you say, it-

322

00:20:58.566 --> 00:21:02.266

because the amount isn't known in- to the extent that a higher figure

323

00:21:02.386 --> 00:21:03.606

was, um,

324

00:21:04.466 --> 00:21:08.406

put forward, it would need to include some form of, um, buffer

325

00:21:08.546 --> 00:21:12.206

allowance in case the metric, um, changed and based on, um, on

326

00:21:12.246 --> 00:21:16.166

detailed design. All I would say is that the- the actual measures that are

327

00:21:16.206 --> 00:21:20.126

being proposed in terms of habitat, um, creation,

328

00:21:21.026 --> 00:21:24.826

uh, put forward as part of the LEMP are secured, um, so the actual

329

00:21:24.866 --> 00:21:28.046

delivery of those measures is being provided by this

330

00:21:28.066 --> 00:21:31.766

project. This is a sort of separate question as to whether those

331

00:21:31.846 --> 00:21:35.826

measures will be, um, capable

332

00:21:35.846 --> 00:21:39.696

of constituting BNG units, which is a slightly separate

333

00:21:40.126 --> 00:21:41.586

point to whether we're going to provide

334

00:21:42.446 --> 00:21:44.906

the habitat enhancement at all. So

335

00:21:45.746 --> 00:21:49.206

I would just make that distinction between commitments to provide habitat

336

00:21:49.486 --> 00:21:53.406

enhancements over great- a really great area which is committed to in the other

337

00:21:53.446 --> 00:21:57.395

management plans, versus h- whether specific credits or

338

00:21:57.526 --> 00:22:00.066

units are allocated to that enhancement.

339

00:22:00.946 --> 00:22:01.106

Thank

340

00:22:01.166 --> 00:22:05.426

you.

341

00:22:05.486 --> 00:22:08.946

Um, Mrs. Scafe, was there anything you wanted to come back on on that before I move

342

00:22:09.026 --> 00:22:09.146
on?

343
00:22:10.606 --> 00:22:14.216
No, if- if we can carry on. I think there are discussions ongoing in terms of

344
00:22:14.326 --> 00:22:17.596
statement of common ground, so we'll probably pick that matter up a bit further as

345
00:22:17.626 --> 00:22:18.986
part of that, if that's okay.

346
00:22:19.966 --> 00:22:20.646
Sir.

347
00:22:20.946 --> 00:22:21.006
Oh.

348
00:22:21.386 --> 00:22:24.586
Gary- Gary (coughs) Grant, North- Northants Council.

349
00:22:24.646 --> 00:22:28.436
Um, so just, it- it- it- whilst this is the first one that has

350
00:22:28.466 --> 00:22:31.786
arrived at, and I won't- I won't interrupt on any others, but just as it were to

351
00:22:31.846 --> 00:22:35.706
flag that... And this is really for an explanation within this

352
00:22:35.746 --> 00:22:39.486
without prejudice session. This is the first example of

353
00:22:39.566 --> 00:22:43.465
where the different wording is used, confining only to the relevant authority as

354
00:22:43.506 --> 00:22:47.306
opposed... So I'm going to give you a compar- a compare and contrast

here,

355

00:22:47.386 --> 00:22:51.326

sir. Um, requirement nine is, um,

356

00:22:51.666 --> 00:22:54.246

submitted to and approved by the relevant planning authority.

357

00:22:54.286 --> 00:22:58.186

You'll see it 9.1. A- and then, if

358

00:22:58.196 --> 00:23:01.866

I would then turn on, uh, to the next

359

00:23:01.966 --> 00:23:05.616

one, which is- is- is usefully by way of comparison, um,

360

00:23:05.846 --> 00:23:09.606

10.2, we can see there that the different wording is used in

361

00:23:09.666 --> 00:23:13.626

relation to, um, relevant planning authority or

362

00:23:13.686 --> 00:23:17.566

where part falls within administrative areas of multiple relevant

363

00:23:17.746 --> 00:23:21.366

planning authorities. Um, a- at the point

364

00:23:21.726 --> 00:23:25.226

that I... And it may be that as in relation to each and every one of those

365

00:23:25.326 --> 00:23:28.466

justification, but at the moment, I don't fully understand

366

00:23:29.206 --> 00:23:32.646

why it is that that is not used consistently throughout the

367

00:23:32.686 --> 00:23:36.006

requirements as opposed... So that there is a, for example, here

368

00:23:36.066 --> 00:23:39.066
under BNG, no separate

369

00:23:39.946 --> 00:23:42.846
provision which is equivalent to 10.2 under

370

00:23:42.866 --> 00:23:46.646
fencing. Uh, and, uh, really the- the point

371

00:23:46.666 --> 00:23:50.606
arises again, uh, elsewhere, uh, for example, under

372

00:23:50.806 --> 00:23:54.706
surface and foul water drainage. So the question is, I- is there

373

00:23:54.746 --> 00:23:57.806
not an inconsistency which there appears to be on the face of it.

374

00:23:57.816 --> 00:24:01.066
There may be a good reason, but I don't understand that, uh, I
haven't had an

375

00:24:01.106 --> 00:24:05.046
explanation for that, and I'm seeking to illuminate that for you,
sir, to-

376

00:24:05.066 --> 00:24:08.436
to understand whether you are satisfied on that point. You may well
be.

377

00:24:10.226 --> 00:24:13.006
Thank you. Thank you for raising that.

378

00:24:13.026 --> 00:24:16.906
(smacks lips) Okay.

379

00:24:16.926 --> 00:24:20.756
I'm conscious of time, so I- I'm gonna, um,

380

00:24:21.206 --> 00:24:24.856

finish my questions where I started and back to Tilbridge Solar
(laughs)

381

00:24:24.986 --> 00:24:28.572

decision. Uh-Um, Secretary of State added Natural

382

00:24:28.722 --> 00:24:32.182

England as a consultee within a number of requirements

383

00:24:32.341 --> 00:24:36.002

there. Um, does the applicant consider that reference to

384

00:24:36.062 --> 00:24:39.762

consultation, um, with, I th- I think you've defined statutory

385

00:24:39.841 --> 00:24:43.822

nature conservation body, meaning Natural England, um, might

386

00:24:43.882 --> 00:24:47.762

possibly need to be added to requirements 13, the, the

387

00:24:47.822 --> 00:24:51.522

KEMP, 14, the OMP, uh, 19,

388

00:24:51.601 --> 00:24:55.482

so- soil management, and/or 21,

389

00:24:55.502 --> 00:24:58.882

uh, decommissioning and restoration in the draft

390

00:24:58.902 --> 00:25:02.662

DC0?

391

00:25:08.282 --> 00:25:09.882

Uh, Claire Budgell for the applicant.

392

00:25:09.942 --> 00:25:13.382

In terms of the use of the term statutory nature conservation body,
that's what

393

00:25:13.402 --> 00:25:17.012

Natural England asked us to put in, just for clarity.

394

00:25:17.062 --> 00:25:20.802

I, my understanding is we've added them in, in respect of the requirements

395

00:25:20.862 --> 00:25:24.662

they asked us to add them in to, um, but we

396

00:25:24.702 --> 00:25:26.952

will go back and double-check that.

397

00:25:27.042 --> 00:25:30.581

Um, I think it was mentioned yesterday, there is a statement of common ground

398

00:25:30.682 --> 00:25:33.562

in, in discussion about that, so we will, um, seek to

399

00:25:33.601 --> 00:25:37.062

clarify, uh, the point. But we, we did add them in where they had

400

00:25:37.081 --> 00:25:39.922

specifically requested, um, to be added.

401

00:25:40.022 --> 00:25:41.462

Um, and then just coming back to Mr.

402

00:25:41.482 --> 00:25:45.202

Grant's point, we will have a look through the requirements and,

403

00:25:45.302 --> 00:25:48.822

um, either correct the wording or if it is

404

00:25:48.882 --> 00:25:51.642

intentional, then we will provide a justification for that.

405

00:25:51.662 --> 00:25:53.482

Thank you.

406

00:25:53.562 --> 00:25:55.622

Thank you.

407

00:25:56.802 --> 00:26:00.642

Right. I think that then brings us on to agenda item

408

00:26:00.922 --> 00:26:04.702

3.2. So, um, prot- protective provisions, uh,

409

00:26:04.782 --> 00:26:05.702

schedule 15

410

00:26:06.682 --> 00:26:10.341

of the draft DC0. Um, so

411

00:26:10.462 --> 00:26:14.242

if, uh, if I could start by, um, asking the,

412

00:26:14.341 --> 00:26:17.442

uh, applicant to provide an update on

413

00:26:17.642 --> 00:26:20.081

negotiations concerning protective provisions,

414

00:26:20.122 --> 00:26:25.122

please.

415

00:26:27.562 --> 00:26:31.081

Alison Devlin for the underta- uh, for the

416

00:26:31.142 --> 00:26:34.542

applicant. Uh, yes. So first, in

417

00:26:34.581 --> 00:26:37.902

respect of the Environment Agency, um, the Environment

418

00:26:37.982 --> 00:26:41.362

Agency requested some further details about the proposed

419

00:26:41.402 --> 00:26:44.802

locations and the nature of a potential flood risk

420

00:26:44.862 --> 00:26:48.762

activity. This is needed for the Environment Agency to

421

00:26:48.822 --> 00:26:52.642

agree to the disapplication of the requirement for a flood risk activity

422

00:26:52.682 --> 00:26:56.062

permit in article 6, paragraph 1,

423

00:26:56.142 --> 00:27:00.062

sub-paragraph E of the draft DCO. Uh, the information

424

00:27:00.081 --> 00:27:03.871

has been shared with the Environment Agency by email on the 9th of

425

00:27:03.942 --> 00:27:07.822

December and is currently being reviewed by its technical team.

426

00:27:07.902 --> 00:27:11.662

Uh, the protective provisions that are included in the draft DCO include a number

427

00:27:11.742 --> 00:27:15.251

of amendments to the Environment Agency's standard form of

428

00:27:15.262 --> 00:27:19.081

PPs, which are primarily to remove references to

429

00:27:19.101 --> 00:27:22.642

tidal defenses, um, that are not relevant to the scheme.

430

00:27:23.742 --> 00:27:27.642

Our understanding is that th- these, the protective provisions that provide the

431

00:27:27.742 --> 00:27:31.322

EA with assurances that are needed in order to be

432

00:27:31.362 --> 00:27:35.162

confident that the requirement for a flood risk activity permit may

be

433

00:27:35.202 --> 00:27:38.822

disapplied by the DC0, and we are therefore expecting to

434

00:27:38.842 --> 00:27:42.782

discuss and, uh, agree the detail of the amendments, uh, once

435

00:27:42.902 --> 00:27:46.601

the flood risk activity information has been reviewed, um, and

436

00:27:46.842 --> 00:27:50.542

we are confident that we will reach agreement on the form of the

437

00:27:50.601 --> 00:27:52.452

protective provisions before the end of

438

00:27:52.522 --> 00:27:55.682

examination. Uh, in

439

00:27:56.262 --> 00:27:59.402

respect of National Highways, as was confirmed in

440

00:27:59.482 --> 00:28:03.442

ISH2, uh, the technical matters have been agreed

441

00:28:03.482 --> 00:28:05.722

between the applicant and National Highways.

442

00:28:05.782 --> 00:28:09.502

We remain in discussions with National Highways in relation to the form of the

443

00:28:09.581 --> 00:28:13.402

protective provisions. We have received a mark-up of the

444

00:28:13.442 --> 00:28:17.282

latest draft from National Highways on the 2nd of December,

445

00:28:17.302 --> 00:28:21.282

and a meeting has been arranged with National Highways' solicitors

446

00:28:21.482 --> 00:28:25.422

for the 16th of December in order to discuss the remaining areas

447

00:28:25.482 --> 00:28:28.962

of disagreement. And a- again, we are confident

448

00:28:28.982 --> 00:28:32.601

that agreement as to the form of protective provisions will be reached before the

449

00:28:32.621 --> 00:28:36.302

end of examination. In relation to

450

00:28:36.542 --> 00:28:40.362

National Grid electricity transmission, uh, the

451

00:28:40.402 --> 00:28:44.212

approach to be taken in relation to an agreement and protective

452

00:28:44.222 --> 00:28:47.501

provisions for existing N-JET infrastructure has been

453

00:28:47.542 --> 00:28:51.101

agreed. Uh, N- National Grid are proposing two

454

00:28:51.182 --> 00:28:54.382

projects that include future works at or near the Grendon

455

00:28:54.442 --> 00:28:58.391

Substation. These are the Western Marsh to East Lincolnshire project and

456

00:28:58.482 --> 00:29:02.002

the Sundon to Grendon reconductoring project.

457

00:29:02.042 --> 00:29:05.742

The applicant is seeking further technical information from National Grid in order

458

00:29:05.842 --> 00:29:09.402

to understand how the projects will interact with the scheme, which will help

459

00:29:09.442 --> 00:29:13.302

inform discussions on how the protective provisions will be drafted to provide the

460

00:29:13.342 --> 00:29:16.982

necessary protection for National Grid's future projects, and also

461

00:29:17.022 --> 00:29:20.842

certainty for the scheme. Once again, we are confident that an

462

00:29:20.882 --> 00:29:23.172

agreement will be reached before the end of examination.

463

00:29:24.862 --> 00:29:28.782

In relation to National Grid electricity distribution,

464

00:29:28.842 --> 00:29:32.462

we have received data from NGED as to the

465

00:29:32.502 --> 00:29:36.182

location of its assets. This has informed a number of amendments to the book of

466

00:29:36.242 --> 00:29:38.951

reference that will be submitted at deadline three.

467

00:29:39.062 --> 00:29:42.871

A mark-up of protective provisions and a draft agreement has also been received,

468

00:29:42.902 --> 00:29:46.702

which is currently being reviewed and comments will be provided to

469

00:29:46.802 --> 00:29:50.442

ENGER- EN- NGED shortly. Um, again,

470

00:29:51.182 --> 00:29:54.922

we are not aware of any reason why an agreement would not be reached by the end of

471

00:29:54.962 --> 00:29:57.121
examination. In relation-

472

00:29:57.202 --> 00:30:00.942
Sorry to jump in, but just, um, so that I don't lose the, the

473

00:30:01.121 --> 00:30:05.012
point while it's in my head. Um, in relation to that change, to, uh,
the changes

474

00:30:05.081 --> 00:30:09.052
to the book of reference and the, um, ENGED, NGED, uh,

475

00:30:09.162 --> 00:30:12.502
assets, um, w- are they, are they sort of

476

00:30:12.702 --> 00:30:16.482
new assets or is it things that were y- you'd

477

00:30:16.522 --> 00:30:20.002
originally attributed to ENGET? Um...

478

00:30:20.101 --> 00:30:23.882
My understanding is that they are all, uh, assets that had

479

00:30:23.922 --> 00:30:27.542
been identified incorrectly as ris- as b- belonging

480

00:30:27.642 --> 00:30:31.121
to National Grid Transmission that have been

481

00:30:31.162 --> 00:30:33.302
reallocated to distribution.

482

00:30:34.330 --> 00:30:36.630
Thank you. Sorry for interrupting.

483

00:30:36.710 --> 00:30:40.250
Uh, in relation to Anglian Water, we've received, uh,

484

00:30:40.290 --> 00:30:44.170

confirmation of their agreement to the form of protective provisions that

485

00:30:44.210 --> 00:30:47.890

were included in revision A of the draft DCO,

486

00:30:47.950 --> 00:30:51.810

that's rep 1-008. Um, this

487

00:30:51.830 --> 00:30:54.830

should be confirmed in the next iteration of the statement of common ground with

488

00:30:54.890 --> 00:30:58.430

Anglian Water. Um, and finally, we have protective provisions

489

00:30:58.490 --> 00:31:02.470

for Cadent Gas. The applicant has not had any contact from

490

00:31:02.510 --> 00:31:06.150

Cadent Gas, but will continue to seek confirmation from Cadent that it is

491

00:31:06.170 --> 00:31:09.780

content with the form of the protective provisions that are included.

492

00:31:09.810 --> 00:31:13.470

Thank you.

493

00:31:17.890 --> 00:31:21.550

Right, thank you for that update.

494

00:31:22.230 --> 00:31:25.630

Um, if, if I could turn to, uh, National

495

00:31:25.730 --> 00:31:29.530

Highways, um... I, I hope you heard that summery from,

496

00:31:29.650 --> 00:31:33.510

summary from the applicant, um, on, um, the

497

00:31:33.570 --> 00:31:37.530

position with, with yourselves. Um, is there anything else that you would like

498

00:31:37.590 --> 00:31:40.350

to raise at this time?

499

00:31:41.530 --> 00:31:44.390

Vicky Fowler on behalf of National Highways. Um, thank you, sir.

500

00:31:44.410 --> 00:31:47.170

Um, and that, that's a, a fair summary.

501

00:31:47.230 --> 00:31:51.200

I suppose just in the context of this hearing and being on the DC0, I

502

00:31:51.230 --> 00:31:55.050

did say that there was some of the articles, um, which

503

00:31:55.150 --> 00:31:59.130

National Highways do have concern with, um, that do need to

504

00:31:59.170 --> 00:32:00.890

flow through into the protective provisions.

505

00:32:00.910 --> 00:32:04.690

I'm not aware at this point in time there's necessarily an issue, and

506

00:32:04.730 --> 00:32:08.250

obviously we'll discuss those, but perhaps for your

507

00:32:08.350 --> 00:32:12.210

note, um, sir, I would just note, so within the

508

00:32:12.250 --> 00:32:15.790

protective provisions, we have, uh, part six,

509

00:32:15.830 --> 00:32:18.110
paragraph 58 (3) ,

510
00:32:18.930 --> 00:32:22.630
um, effectively various articles whereby the

511
00:32:22.670 --> 00:32:26.410
applicant is not to, um, exercise powers under the

512
00:32:26.470 --> 00:32:30.190
articles in relation to the strategic road network

513
00:32:30.810 --> 00:32:34.330
or National Highways land without National Highways' consent.

514
00:32:35.070 --> 00:32:37.910
Now, at the moment, there's a carve-out for safe, um,

515
00:32:38.790 --> 00:32:41.790
in the case of emergency access, which, which isn't agreed.

516
00:32:41.830 --> 00:32:44.870
Again, just giving the nature of the strategic road network,

517
00:32:45.730 --> 00:32:48.770
um, and obviously the con- severe safety concerns with,

518
00:32:48.850 --> 00:32:52.519
um, people going onto that, that network without, um,

519
00:32:53.210 --> 00:32:56.210
National Highways' approval and assistance.

520
00:32:56.250 --> 00:33:00.120
Um, but there's, there's just three other, um, articles which
haven't

521
00:33:00.150 --> 00:33:04.010
found their way into, um, that particular

522
00:33:04.110 --> 00:33:07.690

paragraph. And that's just article 14, access to

523

00:33:07.730 --> 00:33:11.560

works, 17, discharge of water, and

524

00:33:11.830 --> 00:33:13.930

20, authority to survey and investigate land.

525

00:33:13.950 --> 00:33:17.120

But, but we'll carry on discussing those with the applicant and hopefully get those

526

00:33:17.150 --> 00:33:20.900

resolved. Um, we did raise comments about

527

00:33:20.910 --> 00:33:24.480

deemed consent, and that has now been addressed in the protective

528

00:33:24.550 --> 00:33:27.250

provisions for which we're grateful.

529

00:33:27.260 --> 00:33:31.120

And then otherwise, the, the, the sort of differences, um, are sort of matters

530

00:33:31.170 --> 00:33:34.900

of detail, but includes settlement of, uh, National Highways costs and

531

00:33:34.950 --> 00:33:38.810

indemnities. But as I say, we'll continue those discussions and we'll update

532

00:33:38.889 --> 00:33:42.870

you on areas of disagreement at, um, future deadlines if, if we can't

533

00:33:42.889 --> 00:33:46.150

reach agreement. Thank you, sir.

534

00:33:46.210 --> 00:33:49.970

Thank you, Mrs. Fowler. And whilst I've, um, just quickly got you on

the

535

00:33:49.990 --> 00:33:53.730

screen still, um, is, is, uh... I'm

536

00:33:53.790 --> 00:33:57.050

guessing because you haven't mentioned it, um, are things

537

00:33:57.070 --> 00:34:00.920

progressing, um, satisfactorily in relation to

538

00:34:00.970 --> 00:34:04.889

the horizontal directional, uh, drilling works below the

539

00:34:05.150 --> 00:34:09.090

proposed, below the A45? They, uh,

540

00:34:09.130 --> 00:34:12.909

it, the... It sounds rather reminiscent of a, uh, a previous development

541

00:34:13.010 --> 00:34:16.409

consent order that, uh, we, uh, we, we were on last

542

00:34:16.489 --> 00:34:17.110

year.

543

00:34:17.120 --> 00:34:20.790

(laughs) Vicki Fowler on behalf of National Highways. Um, yeah, yes.

544

00:34:20.810 --> 00:34:22.489

So I mean, I mean, there's matters of detail.

545

00:34:22.500 --> 00:34:26.370

So the way the protective provisions have been, um, drafted, you'll

546

00:34:26.429 --> 00:34:30.239

see as they now split out those, um, works

547

00:34:30.350 --> 00:34:34.290

that are, that are roadworks, and effectively we're expecting that

largely to be

548

00:34:34.550 --> 00:34:38.489

traffic management, and then the directional drilling.

549

00:34:38.510 --> 00:34:42.070

And I think some of the discussions is around the rel- what's

550

00:34:42.110 --> 00:34:45.750

relevant to each. So, um, so there's provisions that you

551

00:34:45.830 --> 00:34:49.730

might think, "Oh, well, they're not relevant because w- we're

552

00:34:49.810 --> 00:34:53.208

dealing with drilling beneath the SRN." And actually they are, they are

553

00:34:53.250 --> 00:34:56.810

relevant. But as I say, those, those points of detail we're discuss-

554

00:34:56.850 --> 00:35:00.710

discussing, and, um, if there are main points of, of difference,

555

00:35:00.719 --> 00:35:04.000

then we'll, we'll report them to you so you can consider those,

556

00:35:04.010 --> 00:35:05.490

sir.

557

00:35:07.230 --> 00:35:10.210

Right. Thank, thank you very much.

558

00:35:10.510 --> 00:35:14.450

Um, was there anything the applicant wanted to come back on, uh, any of Mrs.

559

00:35:14.470 --> 00:35:15.290

Fowler's comments

560

00:35:15.410 --> 00:35:20.990

there?

561

00:35:27.190 --> 00:35:28.350

Uh, Claire Project, the applicant.

562

00:35:28.430 --> 00:35:31.970

Um, no, we will, um, hopefully obviously be able to provide a very short

563

00:35:32.090 --> 00:35:35.790

update for deadline, uh, three. So to the extent we

564

00:35:35.850 --> 00:35:39.790

can, uh, there are provisions that are agreed to in the, in the meeting that's to

565

00:35:39.810 --> 00:35:43.450

be held, um, next week. Then we will try, if we can, to incorporate those in

566

00:35:43.510 --> 00:35:47.230

the draft DCO being submitted for, for deadline three.

567

00:35:47.270 --> 00:35:51.250

If not, then they'll be in the, the next version after that. Thank you.

568

00:35:53.650 --> 00:35:56.550

Okay. Thank you. Thank you very much.

569

00:35:57.670 --> 00:36:01.430

Um, I th- I think I, I actually only had a couple of very quick

570

00:36:01.490 --> 00:36:04.950

questions and then I'll, I'll just check whether there is anybody else who wants

571

00:36:04.990 --> 00:36:07.990

to, um, raise anything related to protective

572

00:36:08.029 --> 00:36:11.950

provisions. Um, and apologies if

573

00:36:11.970 --> 00:36:15.010

I've missed it somewhere in the application documentation.

574

00:36:15.090 --> 00:36:18.770

Um, but I just wonder whether you could explain, um, why, uh, specific

575

00:36:18.850 --> 00:36:22.570

protective provisions, um, and I suppose particularly given that y-you said the

576

00:36:22.610 --> 00:36:26.130

lack of contact with them, um, have been deemed to be

577

00:36:26.210 --> 00:36:29.210

needed under part eight for, um, Cadent

578

00:36:29.670 --> 00:36:33.590

Gas, uh, Limited. Um, and, you know, why, why

579

00:36:33.810 --> 00:36:37.670

are they not satisfactorily covered by, um, part one for

580

00:36:37.730 --> 00:36:40.650

utility undertakers? Thank you.

581

00:36:41.913 --> 00:36:43.614

Uh, Claire Budgwick for the applicant.

582

00:36:43.674 --> 00:36:47.513

Um, experience on other DCOs is that

583

00:36:47.574 --> 00:36:50.953

Cadent typically request bespoke protective provisions that

584

00:36:50.993 --> 00:36:54.694

include measures similar to those that we've put in in Part Eight.

585

00:36:54.754 --> 00:36:55.074

So,

586

00:36:56.294 --> 00:36:59.694

the applicant has, sort of, proactively put in what we

587

00:37:00.214 --> 00:37:04.174

e-expect Cadent to ask for, um, and has historically done

588

00:37:04.314 --> 00:37:08.294

in other, i-in other, uh, DCOs that both we've

589

00:37:08.354 --> 00:37:11.433

acted on and that we're aware of on other schemes, so that's the reason why.

590

00:37:11.504 --> 00:37:11.803

(sniffs)

591

00:37:13.194 --> 00:37:16.394

Thank you. And, and just by way of a, a very quick follow-up.

592

00:37:16.453 --> 00:37:20.334

Um, I think I noted that, uh, Cadent is the only body that

593

00:37:20.574 --> 00:37:23.533

is not specifically referenced in section

594

00:37:23.694 --> 00:37:26.513

5.15 of the explanatory

595

00:37:26.574 --> 00:37:30.374

memorandum, um, and, d- you know, does that indicate that

596

00:37:30.714 --> 00:37:34.314

Part Eight and Cadent Gas was, uh, uh, effectively a bit of a later

597

00:37:34.334 --> 00:37:37.594

addition into Schedule 15?

598

00:37:39.154 --> 00:37:41.864

Uh, Claire Budgwick for the applicant. Quite possibly, yes.

599

00:37:41.864 --> 00:37:45.274

(laughs) Um, if we are doing another iteration of

600

00:37:45.354 --> 00:37:49.053

the explanatory memorandum, which we said we were going to do, um, to

601

00:37:49.114 --> 00:37:52.794

explain, um, the drafting in relation to the time limit for

602

00:37:52.834 --> 00:37:55.874

compulsory acquisition, we'll make a note, um, to add that in.

603

00:37:55.913 --> 00:37:56.993

I believe they're listed in the

604

00:37:57.814 --> 00:38:00.854

statement of reasons, so they, they were flagged, but yeah, I might, I think it's

605

00:38:00.894 --> 00:38:03.354

just an omission from the explanatory memorandum.

606

00:38:03.374 --> 00:38:06.524

Thank you.

607

00:38:08.933 --> 00:38:12.774

Okay. Um, f- uh, th- that was all I wanted to, um,

608

00:38:12.834 --> 00:38:15.134

get out of the session on protective provisions.

609

00:38:15.174 --> 00:38:18.594

Obviously, um, I noted from earlier in this, this

610

00:38:18.714 --> 00:38:22.433

hearing that, um, that there was a potential question

611

00:38:22.493 --> 00:38:26.433

mark, or, or a, a bit of further thought that might go into

612

00:38:26.634 --> 00:38:30.413

whether protective provisions might be appropriate,

613

00:38:30.513 --> 00:38:33.754

uh, in relation to, uh, West Northamptonshire

614

00:38:33.814 --> 00:38:37.243

Council's point regarding the, um, uh, sort of

615

00:38:37.533 --> 00:38:41.124

ordinary water course consent issue.

616

00:38:41.124 --> 00:38:44.834

Um, but I think that was the only other, sort of, crossover point that

617

00:38:44.933 --> 00:38:48.594

I'd, I'd picked up so far, um, during the course of the hearing.

618

00:38:48.654 --> 00:38:52.433

Um, but I, I will just, um, throw it open whether there's anybody in the

619

00:38:52.493 --> 00:38:56.094

room or online who wanted to raise anything else that was

620

00:38:56.294 --> 00:38:57.803

specific to Schedule

621

00:38:57.913 --> 00:39:00.473

15.

622

00:39:04.614 --> 00:39:07.564

I see no hands up, so, um, that, that's

623

00:39:07.734 --> 00:39:09.334

fine.

624

00:39:11.013 --> 00:39:14.973

Um, so I think, um, we could just move on,

625

00:39:14.993 --> 00:39:18.814

uh, quickly as, as we, um, actually have sufficient time at the end of

626

00:39:18.874 --> 00:39:22.814

this ISH. Um, just to, um, uh,

627

00:39:22.834 --> 00:39:26.794

review with the applicant, um, the, um, if,

628

00:39:26.854 --> 00:39:30.654

if you would perhaps, um, read out the list of action

629

00:39:30.734 --> 00:39:34.674

points that you've been collecting, uh, during the course of the

630

00:39:34.714 --> 00:39:38.643

hearing, and, and we'll just double-check it against the, the list that

631

00:39:38.654 --> 00:39:39.953

my colleagues have been scribbling

632

00:39:39.993 --> 00:39:43.094

down.

633

00:39:45.894 --> 00:39:46.874

Uh, Claire Budgwick for the applicant.

634

00:39:46.894 --> 00:39:50.044

We're just double-checking that the lists align as...

635

00:39:50.114 --> 00:39:53.774

Mm. Thank you.

636

00:40:00.913 --> 00:40:03.774

Uh, Alison Dablin for the applicant.

637

00:40:03.854 --> 00:40:06.183

Uh, there are a number of, um,

638

00:40:07.214 --> 00:40:10.134

cross-referencing errors that have been identified in the hearing.

639

00:40:10.194 --> 00:40:14.174

We've made a note but don't propose to go through the detail of them, uh, at this

640

00:40:14.234 --> 00:40:17.834

point. Um, so the first action is

641

00:40:18.094 --> 00:40:21.834

that the applicant will amend the period for the discharge of requirements

642

00:40:22.073 --> 00:40:25.774

to eight weeks. There is an action for the

643

00:40:25.874 --> 00:40:29.453

applicant to consider whether anything can be done to

644

00:40:29.513 --> 00:40:33.394

provide more certainty for the local authorities as

645

00:40:33.453 --> 00:40:36.754

to when applications for the discharge of requirements are likely to be

646

00:40:36.814 --> 00:40:40.334

made. Um, and also to

647

00:40:40.374 --> 00:40:44.214

consider whether it's clear that, if an application

648

00:40:44.254 --> 00:40:48.214

is made for the discharge of multiple requirements, that this is considered

649

00:40:48.294 --> 00:40:51.993

as separate applications, albeit they are under one covering

650

00:40:52.054 --> 00:40:55.933

letter. Um, the applicant is to hold further

651

00:40:55.944 --> 00:40:59.054

discussions with, um, West Northamptonshire

652

00:40:59.194 --> 00:41:03.094

Council's, um, lead local, uh, as lead local flood

653

00:41:03.134 --> 00:41:06.674

authority, to go through the approach to ordinary water course

654

00:41:06.734 --> 00:41:10.654

consent, and then consider potentially having protective provisions if

655

00:41:10.714 --> 00:41:14.404

that is required. And I, I think that this would also be extended to

656

00:41:14.674 --> 00:41:18.243

Milton Keynes and North Northamptonshire Councils as well.

657

00:41:18.374 --> 00:41:22.134

Um, in relation

658

00:41:22.214 --> 00:41:26.013

to requirement 16, which is the operational traffic

659

00:41:26.073 --> 00:41:29.774

management plan, um, there's an action to add in consultation with the

660

00:41:29.794 --> 00:41:33.614

relevant highway authority. The applicant is also to

661

00:41:33.654 --> 00:41:37.513

consider if there is a, uh, a, a mechanism that can be

662

00:41:37.654 --> 00:41:40.814

used to provide a clearer reference back to

663

00:41:40.874 --> 00:41:44.594

the... Uh, in Schedule 12 relating to hedgerows,

664

00:41:44.654 --> 00:41:47.814

um, a reference back to the control within the

665

00:41:47.874 --> 00:41:50.874

article, to sort of provide a clarification signposting

666

00:41:50.913 --> 00:41:54.654

there. Um, we have an

667

00:41:54.694 --> 00:41:58.433

action to review the explanatory memorandum, to ensure that

668

00:41:58.493 --> 00:42:02.413

the explanation is clear as to the drafting around the time

669

00:42:02.473 --> 00:42:03.484

limits, um,

670

00:42:04.294 --> 00:42:06.554

for the exercise of compulsory acquisition

671

00:42:06.634 --> 00:42:09.904

powers. The, um,

672

00:42:10.834 --> 00:42:14.234

definition of authorized development from the Till Bridge

673

00:42:14.374 --> 00:42:17.993

decision is, uh, also something we need to consider.

674

00:42:18.973 --> 00:42:22.314

Um, in relation to article 16, paragraph

675

00:42:22.433 --> 00:42:25.594

four, we are to confirm whether this is a

676

00:42:25.973 --> 00:42:29.774

standard approach reflecting, uh, wider highways law in relation to

677

00:42:29.814 --> 00:42:33.573

consultation with the police. Uh, we are also to

678

00:42:33.594 --> 00:42:37.573

clarify the waste strategy approach within the,

679

00:42:37.594 --> 00:42:41.013

uh, LEMP. And

680

00:42:42.054 --> 00:42:45.834

then there's the action to consider if the community

681

00:42:45.913 --> 00:42:49.674

liaison group should be established at an earlier date than the

682

00:42:49.714 --> 00:42:53.533

commencement of the, uh, of the authorised development, and if

683

00:42:53.594 --> 00:42:57.500

so, what that would be. And...

684

00:42:57.500 --> 00:43:01.290

the applicant is also to signpost where the elements of, uh,

685

00:43:01.350 --> 00:43:05.058

work number six are secured within the various, uh, management plans and

686

00:43:05.090 --> 00:43:08.810

requirements. Um, there is an

687

00:43:08.870 --> 00:43:12.420

action to confirm the reasons why the Health and Safety

688

00:43:12.470 --> 00:43:16.330

Executive is not specified as a consultee in relation to the,

689

00:43:16.400 --> 00:43:19.240

the approval of the detailed battery safety management

690

00:43:19.310 --> 00:43:23.130
plan. Uh, the applicant is to consider whether a

691
00:43:23.170 --> 00:43:26.870
commitment f- of greater than 10% in

692
00:43:26.930 --> 00:43:30.029
habitat units should be included in the BNG requirement.

693
00:43:31.549 --> 00:43:35.419
And an applic- um, and an action for the applicant to confirm with
Natural

694
00:43:35.430 --> 00:43:39.299
England that they are happy that they are,

695
00:43:39.390 --> 00:43:42.890
uh, detailed as a consultee in relation to the requirements as

696
00:43:42.910 --> 00:43:46.440
appropriate, uh, and finally to c- um,

697
00:43:46.850 --> 00:43:50.290
in up- uh, in updating the explanatory memorandum to ensure

698
00:43:50.350 --> 00:43:53.620
that the cadent protective provisions are

699
00:43:53.650 --> 00:43:54.690
referenced.

700
00:43:56.230 --> 00:44:03.650
Thank

701
00:44:03.730 --> 00:44:04.110
you.

702
00:44:33.830 --> 00:44:37.549
I'm sorry, we were just, uh, checking (laughs) against, against our
list there.

703

00:44:37.610 --> 00:44:41.509

Um, I think, I think the only one that we don't necessarily think got

704

00:44:41.569 --> 00:44:44.950

picked up there was, um, perhaps the, the point that Mr.

705

00:44:44.990 --> 00:44:48.950

Grant had been, uh, making in relation

706

00:44:49.009 --> 00:44:52.880

to sort of the, the consistency of, um, uh,

707

00:44:52.880 --> 00:44:56.590

how relevant authority or planning authorities have

708

00:44:56.650 --> 00:44:59.029

been, uh, referred to across

709

00:44:59.150 --> 00:45:02.430

requirements. Apologies if, if you did say that.

710

00:45:02.470 --> 00:45:04.330

It was quite a long list, but, uh...

711

00:45:04.390 --> 00:45:06.950

Uh, Alison Dablin for the, uh, applicant.

712

00:45:07.049 --> 00:45:10.850

I think I included that as correcting referencing

713

00:45:10.910 --> 00:45:13.730

errors to be completely honest with you, but I have noted that down

714

00:45:13.790 --> 00:45:17.049

separately.

715

00:45:18.009 --> 00:45:21.670

... applicant. Just to note that obviously we will be

716

00:45:21.690 --> 00:45:25.630

submitting an updated version of the DCO for, for deadline three, so we

717

00:45:25.670 --> 00:45:29.430

will try and incorporate the answers to s- the majority of those actions

718

00:45:29.790 --> 00:45:33.730

there. But where they perhaps, um, require us

719

00:45:33.770 --> 00:45:36.580

to check the position with another party, I'm, I'm quite conscious that there isn't

720

00:45:36.630 --> 00:45:39.890

a lot of time (laughs) between now and the deadline, so there may be some that have

721

00:45:39.910 --> 00:45:42.659

to roll over into deadline four, so...

722

00:45:42.690 --> 00:45:46.670

Yeah. No, I, I, I appreciate that. I think deadline three is, uh, Wednesday

723

00:45:46.690 --> 00:45:50.670

next week, isn't it? So, um, yeah, uh, I think we'll be happy with

724

00:45:50.690 --> 00:45:54.670

deadline four for anything that just doesn't happen to be picked up by

725

00:45:54.710 --> 00:45:58.310

an updated D, D, DCO or updated explanatory

726

00:45:58.370 --> 00:46:02.279

memorandum. Um, was there any f- any other

727

00:46:02.509 --> 00:46:06.450

points that people think, or action points that people think have been missed

728

00:46:06.490 --> 00:46:10.439
from that list? Oh, uh, Mr. Anthony, your hand was

729
00:46:10.509 --> 00:46:12.310
Yes, Philip Anthony, Stoke Green Hill.

730
00:46:12.370 --> 00:46:15.590
I just didn't hear a reference to, uh, the

731
00:46:15.790 --> 00:46:18.840
consultation with the police only, but I...

732
00:46:18.870 --> 00:46:21.170
You may have said it and I missed it but...

733
00:46:21.210 --> 00:46:23.630
Just thought I'd mention.

734
00:46:23.670 --> 00:46:26.630
I, I think that was captured. I think it was just the fact it was

735
00:46:26.730 --> 00:46:30.610
mentioned. Uh... I think, yeah, I, I

736
00:46:30.770 --> 00:46:34.310
think you mentioned Article 16 (4) and whether it's a sort of
standard

737
00:46:34.350 --> 00:46:38.190
approach, uh, and that... So that does capture that point but thank

738
00:46:38.230 --> 00:46:38.990
you for checking

739
00:46:39.029 --> 00:46:43.670
that.

740
00:46:55.650 --> 00:46:59.630
So I, I think in that case, um, that's c- certainly covered

741
00:46:59.650 --> 00:47:03.370

everything that the examining authority wanted to get out of this

742

00:47:03.470 --> 00:47:07.310

morning's, uh, session. So thank you

743

00:47:07.470 --> 00:47:10.730

everybody, um, both in the room and online for your

744

00:47:10.850 --> 00:47:14.788

constructive participation, uh, throughout this morning.

745

00:47:14.890 --> 00:47:18.259

Uh, and just a, a reminder for anyone that, uh,

746

00:47:18.310 --> 00:47:21.290

compulsory acquisition hearing one

747

00:47:21.430 --> 00:47:25.160

follows, uh, on this afternoon, starting at 2:00

748

00:47:25.190 --> 00:47:28.450

PM and with a registration from

749

00:47:28.710 --> 00:47:30.230

1:30 PM.

750

00:47:31.490 --> 00:47:35.109

Uh, so the time is now, uh,

751

00:47:35.130 --> 00:47:39.109

12:48 and this hearing is closed. Thank

752

00:47:39.190 --> 00:47:47.330

you.