



Event Transcript

Project:	Sea Link
Event:	Issue Specific Hearing 2 (ISH2) - Day 3 - Part 2
Date:	30 January 2026

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FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:40:03

And can I just confirm the case team that I can be heard clearly and that the live of streaming and recording has commenced? Thank you. Okay, so we'll now move on to item 21, the draft deferment consent order. So I want to make it very clear that this section of the hearing is a without prejudice conversation for all parties involved. The examiner authority is required, regardless of whether we recommend the application for approval or refusal to provide a draft development consent order with our recommendation report to the Secretary of State so they could use it if they decide to grant consent.

00:00:40:11 - 00:00:57:06

The discussion during this hearing, no way indicates whether or not the application will be recommended for approval or consent. And equally, your positive participation in discussions does not detract from comments you may have made with regard to concerns about the proposal. I just want to check if everyone's clear on that.

00:01:00:27 - 00:01:02:13

I'm not seeing any hands.

00:01:05:11 - 00:01:43:01

So the version of the draft development center that we will use was that that was submitted deadline three, which was examination library reference web 306. And going forwards, we'll probably refer to this as a draft SEO. The explanatory memorandum we're going to refer to as Examination Library reference 308. And finally, just for the benefit of those who are possibly not as familiar with the DCL process as some of them, some of us in the room, I want to provide some context for what we're considering this morning. When we review the drafting of the DCO, we're not just looking at how it would be secured, but, um, what would be? Sorry, we're not just looking at what would be secured.

00:01:43:03 - 00:02:03:11

We're looking at how it would be secured and whether it meets the drafting tests, namely, that it's necessary, relevant planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects. And these may be familiar because they're the same tests that are used in the planning conditions, as set out in paragraph 56 of the National Planning Policy Framework.

00:02:05:01 - 00:02:39:12

So moving on to item 21.1, which is about article ten in EXC one question one Gen 27, we asked the applicant to provide a project specific justification for the inclusion of article ten. And in response, the applicant explained that the article is important to ensure the clarity of the interface between the DCO, if granted, and any other consents which may or may not yet exist in relation to the existing planning

permissions and dsos. The applicant notes that they're focused here and whether such consents have not been built out.

00:02:39:27 - 00:03:22:12

The applicant goes on to focus on consents where they felt the need to consider where there's a risk of inconsistency, and provides a list such as the Scottish Power renewable schemes sites will see Manston Airport, Lyon Link as a potential future consent and a number of existing and planned offshore dsos, which cross the proposed development. The applicant also noted the safeguard in article 56, which they consider would support the applicant understanding of the permissions and to enable the applicant to make representations and seek to avoid inconsistencies. So, can I first ask the applicant further to your response in Q1? Can you please, for the benefit of the parties here today, in practical layman's terms, take us through articles ten and 56 and explain how they work in practice.

00:03:22:14 - 00:03:33:24

And it would be helpful in this if this could include a worked example of what would happen. For example, in the case of the potential multiple consents for the first and substation, that may feature inconsistencies.

00:03:34:27 - 00:03:43:27

So for the applicant, I'm going to ask Mr. Parker first to take you through how it operates, and then I'll pick up some points to deal with the latter part of the question.

00:03:45:20 - 00:04:20:21

James Parker for the applicant, um, taking article ten uh, first and then article 56. Article ten, um, as summarised in the explanatory memorandum, is about the Hillside and Pilkington, as was the Pilkington case law. And for everyone's benefit, of course, it's about physical incompatibility between consents. Um, and recognising the litigation that went all the way up to the Supreme Court. This is an area of drafting, and we've involved in dsos over recent years.

00:04:20:23 - 00:04:52:10

And we were looking this morning to start, I think, other or discussing other examples. But this was something that was taken forward in National Grid's Bradford Winston DCO September 2024, to try and address the point where there are either development consents or planning permissions under the Town and Country Planning Act, which have that physical incompatibility, and recognising that the applicant's position is that it would be, um, unsatisfactory, to say the very least, if there was such a circumstance and hence why Pilkington and Yeah.

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And hillside went up through the court, went up through the courts. Um, in terms of practical application, I think that's something that we might touch on in a moment because in our view, this article, we hope, won't need to be pleaded in anger because it's it's about physical incompatibility. And for example, looking at the liaison we're having, as I think been identified by Mr. Buckley with other promoters such as SPR, given that they've got their extant consents, line link, obviously a statutory consultation now.

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So subject to the outcome of that and what form of application they might make that you know, as is right and proper. With these schemes the promoter liaises with other promoters and other developers. Um, so in a way, the the answer is it's practical application or being. Well, should be it doesn't need to be pleaded, but it's a defence to, um, avoid the situation of litigation, which is, you know, some way that the applicant would not want to be. And so turning and we can dive into more detail if that's helpful.

00:05:59:02 - 00:06:43:04

But I don't want to sort of repeat what's in the explanatory memorandum. And then to shortly summarize article 56, which is about safeguarding. Um, so this, as the panel will appreciate, is a notion and, you know, evolved from um, statutory safeguarding, Crossrail one, Crossrail two, that sort of thing and was in the Thames Tideway draft. Sorry may develop consent order September 2014. And also in the Branford Twin stood to a consent order September 2024. Um in effect means that once the scheme is built out, if there was an application for a planning permission to the local planning authority within the red line of the scheme, uh, there is an obligation on the authority to contact National Grid.

00:06:43:06 - 00:07:15:12

So we've had this application. What say you? Um, and as it's outlined In the memo. National grid obviously knows its scheme. The likes of Mr. Buckley and the other professional engineers know what the safety and engineering considerations are. National grid can then write back to the local planning authority, and the local planning authority can have regard to what National Grid and the expert engineers say in terms of the proposed application. That's as far as the obligation goes. So it enables the local planning authority, in discharging its discretion to be seized of those safety and engineering matters.

00:07:15:14 - 00:07:18:29

So in simple terms, that's how it's intended to operate. If that assists.

00:07:22:10 - 00:07:56:14

Sorry for the applicant. So just to in just a follow up in in layman's terms, as you said, all of what Mr. Parker says effectively means that this article ten protects the Sealink DCO in the following way that if there is it the grant of planning permission by, um, the relevant authority for any particular scheme, or any part of any scheme or any change within the red line of the DCO order and consent.

00:07:56:20 - 00:08:49:12

Um, and it's built out and that permission and the building out are in some way inconsistent with the Sealink DCO. So in some way there's an overlap or something is built out. That means that the Sealink DCO can't be built out in exactly the way that the DCO says. This provision, uh, prevents the Sealink DCO from in any way being said to be incompatible in legal terms, meaning that it can't be built out. The reason why it's necessary, and previously wouldn't have been necessary in our world is because of, um, litigation in the Supreme Court called the Hillside Litigation, um, which changed, I suppose, in a way that we all approached what used to be called drop in applications, which meant that you could, in fact, grant permission, which wasn't then deemed to be inconsistent necessarily with another scheme.

00:08:49:21 - 00:09:26:00

But the two cases, Pilkington and Hillside together, now mean that if you do grant permission and build it out in a way that somehow impacts on another permission, that earlier permission may not be able to be deemed valid anymore. So obviously one would not want that to occur. If you've gone through the whole process of this examination, granted consent for the see link DCO, and then for some reason another permission is granted and built out legitimately. Um, it would be it would be an, you know, a complete waste of the process if that this DCO then was not able to be built out.

00:09:28:11 - 00:09:33:07

Thank you. Um, I think so, I guess, Mr. Burton.

00:09:36:07 - 00:10:23:29

James Burton, on behalf of Sees, um, contributed in the interest of assisting. Um, Certainly my understanding of the authorities and Pilkington is actually a very old authority, which was, as you know, which was confirmed in hillside. Um, I think we might need just to be a little bit careful about the phrase built out, because my understanding and certainly this is, um, I think what the, um, uh, justice is, um, communicating in a hillside is that you can have a situation where you have two permissions or two consents, and, um, it doesn't require that one or other is actually completely built out for it to then be physically impossible for them both to progress.

00:10:24:01 - 00:10:46:11

And I see Mr. Thomas not nodding away. So I'm only raising that because if the applicant has approached this article in that spirit, it it might have missed something. If my analysis of the law is correct, it may not matter. But if it's come at it from the basis that you have to build out fully for this issue to arise, that would be wrong.

00:10:47:18 - 00:11:00:02

Yes, and thank you for that. That was my next question. But that's fine. So as I say, if you could just comment on if there are consents that have any part built out, what are the implications of this?

00:11:00:13 - 00:11:17:26

Yes. I mean the perhaps carried out is the right word that one should use. Um, carried out. The question is whether another consent does something, whether it's fully built out or part built out, that renders the other scheme inconsistent with it. That's the point.

00:11:20:17 - 00:11:46:19

I will come to the local authorities in a moment, because I want to understand how that will work in terms of how you can discharge your requirements. Um, I don't know whether there's anyone here from the SPF schemes, um, online or whether anyone has joined or from any other onshore, offshore, existing or potentially future comment consents. Have we got anyone? Because I'm just concerned about how this just reacts with future.

00:11:46:21 - 00:11:47:19

And yes.

00:11:47:21 - 00:11:48:06

I mean.

00:11:48:19 - 00:11:52:12

I don't know if you want if there is anyone from SPR, but if there isn't I can.

00:11:52:14 - 00:11:55:13

I don't think there is and I will be asking them to comment, but if you could provide.

00:11:55:15 - 00:12:28:08

I'll make a comment. So this is in relation to obviously we know that there are lots of interactions with schemes in this area. That's, that's that's common knowledge. The the interaction is this, that if there is the need for or there is the grant of any kind of permission that bears on the Sealink DCO along the way, it's necessary then, to ensure that the uh, Sealink DCO can still carry on it and it'll interact in this way. Um, the reality is this that any application will go to the relevant authority.

00:12:28:10 - 00:13:00:01

We can't be granting permissions for anybody. The relevant authority, um, will consider an application from SPR or from whoever it is and that relevant authority will have to take into account the ceiling DCO, and they will then apply the ordinary planning principles, including DCO. Whatever SPR are asking or anybody else is asking, and then reach a proper planning decision. So it's not something that's it's not the Wild West, so to speak. It's going to be a proper consideration. And they will let's say they, um, don't grant permission then that's the end of that.

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If they do grant permission, they would have taken into account our representations. They would have also decided that it was appropriate to grant permission. That's the important point. I think here they would be thinking as a local authority, actually, permission should be granted for this aspect of this other scheme, which may be inconsistent with sealing. They would have taken into account all of that and applied all the relevant material considerations. Um, and that's why I suppose I can come on to I don't know if you want me to address the points made by the councils about enforceability. Um, now or come back to that, I think.

00:13:32:06 - 00:13:42:06

I think we'll come back to that. I just have one question in terms of the SPF schemes, they don't have an equivalent article ten in their DCO. Do you think that is going to cause any kind of problem or.

00:13:43:14 - 00:14:03:14

That's a good question. I mean, I didn't know they didn't have that. Um, if that's the case, um, that is something that, um, they will need to take into account. Um, I mean, I didn't know they didn't have that. I'll have to give a considered response to that, I think.

00:14:04:02 - 00:14:11:01

I think because, as you said, it's quite a new thing. It wasn't excuse me, it was in the Bamford twins. But, you know, back when this pair were doing their DCO, it.

00:14:11:03 - 00:14:12:09

Wasn't an issue. Yes.

00:14:12:18 - 00:14:19:14

Um, and equally, it might not be in other future CEOs that that come along. So just just how that works.

00:14:19:16 - 00:14:44:27

Yes. Um, I mean, it's obviously, um, it's a safeguarding provision because of the litigation and the status of the law. So it does need to be in DC. Rose, um, in as a matter of prudence. I mean, you could not put it in, and then you're going to have to make sure that there isn't some inconsistency that arises. Um, but, um, as a matter of prudence, I would I would suggest that it needs to be in DCFS.

00:14:45:28 - 00:14:58:11

Okay. And I will obviously be asking as an action point to the SPR schemes and any other, um, schemes that may be, um, crossing Sealink or affected by Sealink to to comment on on this issue and ask for their legal submissions.

00:14:58:13 - 00:15:06:21

Yeah. And I'm just just to be clear, I think you did allude to this point, but the SPR DCO was in fact granted before the hillside judgment. Yeah.

00:15:06:28 - 00:15:24:20

Thank you. Um, I see there's a hand up on line. Um, and I see Mr. Burton wants to be. I'd just like to go to the council's first for their comments on this. Um, in terms of how they think that this would work in practice. Um, in terms of discharging requirements. Can I go to Suffolk County Council first, please?

00:15:25:06 - 00:16:00:23

Thank you. Sir. Madam. Uh, Michael Bedford, Suffolk county Council. Can I say, uh, that my comments relate to article ten so far as article 56 is concerned and the safeguarding, we don't take an issue with article 56 primarily. Article 56 is going to be more a matter for East Suffolk Council, but it's conceivable that there might be some minerals or waste development that would be made to the county council that could fall within the remit of article 56, but we're content with the approach that is taken.

00:16:00:25 - 00:16:31:09

So I'll just make that clear. So now coming back to article uh, ten, uh, as there's an initial comment, which is to seek some clarification from the applicant, if possible, as to the way that paragraph ten, um, one is constructed, uh, in terms of, uh, particularly, um, subclause a.

00:16:35:03 - 00:17:21:07

As to what the applicant intends that, uh, to embrace, because that is an exclusion from what would otherwise be covered by article ten one. That's to say, if a planning permission is issued pursuant to the 1990 act for development, any part of which is within the order limits following the publication of this order. That is a not itself nationally significant infrastructure project under the 2008 act, or part of

such a project, and be required to complete or enable the construction or use or operation of any part of the development authorized by this order.

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This project, as we see it, has come into the 2008 act regime by means of a section 35 direction and therefore, as we read it, this project would not fall within the scope of ten 01A,

00:17:46:00 - 00:18:08:28

but could fall within the scope of ten 01B and the first point I say I pause on is just to seek clarification from the applicant that that's also how they understand the working of ten one, because various things then follow from that. So if I could pause and ask whether that can be clarified.

00:18:09:00 - 00:18:12:15

No. Please could the applicant to clarify that point please.

00:18:12:27 - 00:18:16:07

Sorry for the applicant. Mr. Parker is going to explain that.

00:18:17:05 - 00:18:53:12

James Parker for the applicant. Um, so the notion of 1001 is such that where one is delivering a come to Mr. Bedford's point in the moment about section 35 a scheme and using that phrase as a shorthand. Um, and the applicant, um, because of programme pressures, wants to deliver some of the works early and seeks a local planning permission, which, as we'll all appreciate, is not infrequent. Um, that by delivering that part of the development, pursuant to the planning permission, with whatever conditions and 106 etc.,

00:18:53:14 - 00:19:29:05

the local planning authority places on that development to get to meet programme. Um, and indeed, um, uh, just to refer to Bradford because this was an aspect of that, a small substation was delivered under a town and country planning permission granted by the local authority early to give an 18 month programme delay, sorry programme gain, forgive me and avoid delay such that having dealing with that development pursuant to the planning permission is granted by the local planning authority um and in compliance with the conditions applied to that does not then cause a breach of the DCO.

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Now, Mr. Bedford has hit upon a point in terms of the reference to NCF as opposed to section 35, which of course doesn't make one and it makes one a development of national significance, which apologies to many, but that really is an angel dancing on a pinhead. But he's absolutely right. So that's something I'd like to take away, if I may, because that on that technicality, there is that. And the other point I've just make is that the word and between A and B, so one has to satisfy both parts. So you know the other way you're both part of the CIP and noting the words there or part of so is or forms part of.

00:20:06:01 - 00:20:24:04

And that reflects the wording of, of the, of the planning, the 2008 Planning Act itself. That notion of being is or forms part of. So that's the policy intent behind it. But we will take away Mr. Bedford's point in terms of ten 01A, referring to N NEP as opposed to section 35.

00:20:26:01 - 00:20:26:26

Thank you.

00:20:27:06 - 00:21:12:00

Well. Well that's helpful. I say, by way of clarification, and that wasn't, um, sort of being put because we want it to be difficult about this. We just want to make it work. And we wanted to understand how the applicant intended it to work. And it sounds like there needs to be a bit of adjusting of that, uh, at first element. Um, so that's that's the first point. The second point is we understand the concerns about the hillside case, and we are entirely amenable to, um, a sensible drafting mechanism that provides, as it were, security or protection against having a hillside problem.

00:21:12:02 - 00:21:56:08

So I said, we're not coming at this with a view of, of difficulties, but we want to make sure that there are no About unintended consequences that then flow out of the way that matters have been raised. And Mr. Parker referred as part of that explanation to the fact that you might have, um, uh, under this, uh, order, assuming that the Secretary of state, uh, made an order, you might have a development consent order for this project with a whole suite of mitigations that are secured by the terms of this consent order.

00:21:56:10 - 00:22:55:18

But I think the applicant is seeking, uh, in part through article ten, to have the flexibility to then bring forward a Town and Country Planning Act application for some part of this project, which may be the same as what is proposed in the development consent order, or maybe a variation or adjustment of that, because I think, as we all know, it is probably generally recognized that the Town and Country Planning Act regime for making, as it were, small scale applications which might differ from something which is already approved, is probably on the state of the law as it is at the moment, more straightforward than bringing a change application forward under the 2008 act regime.

00:22:56:00 - 00:23:26:00

And what we would be anxious about is that having gone through this examination and secured, as it were, whatever package of mitigations are put in place, that there isn't then a kind of a bypass route around that. I know, Mr. Shaikh says, whether that will be a matter for the relevant planning authority to determine such an application. Um, and therefore they've got that ability to do so.

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But we would be anxious that there isn't a backdoor route around matters. So that's the second concern. And then the third concern relates particularly to the overlap with the East Anglia one, North East Anglia to develop consent orders, which, as you rightly say, don't include a similar mechanism. Probably for chronological reasons that people hadn't thought about this problem until Lord banner had aired matters in the Supreme Court in in the hillside case.

00:24:02:24 - 00:24:34:22

Um, and I made a reference, I think probably at issue one, to not wanting to allow for any resigning from the mitigations of E1, e2. Where the projects overlap, and we do absolutely want to be assured that this clause simply to deal with hillside does not enable a as it were, derogation from the mitigations which have already been endorsed.

00:24:34:28 - 00:24:35:25

Thank you ma'am.

00:24:36:06 - 00:25:09:22

Thank you. I um, I think um, obviously I was aware that this might be an issue. Um, I will go to the council's and a bit to get their thoughts. But what I would like actually is an action point is, can I encourage all the parties to meet outside this process and discuss suitable wording for article ten? Um, because obviously on both sides you've got item commitments. And also while doing that, can you provide us with a commentary of those discussions so we can just hear in the background what's going on and confirmation of such an agreement when it is done, and explaining to us clearly how it will work in practice.

00:25:09:24 - 00:25:12:18

And look, parties are happy with that. Can I say it as an action point?

00:25:12:20 - 00:25:13:05

Yes, ma'am.

00:25:13:07 - 00:25:24:10

Thank you. Just in the interest of time, I will go to the councils to get their opinions on this. I assume most people will be agreeing with what, uh, Suffolk County Council have said. So can I just go to East Suffolk Council first?

00:25:25:05 - 00:25:26:05

I mean, I'm.

00:25:27:09 - 00:26:17:25

Mark Weston Smith for East Suffolk Council. Uh, yes. Mr. Bedford's made my life easier. Adopt what he says, like the county council. Um, we are comfortable with the principle of seeking to draft wording to address, uh, hillside. But our concerns, um, like in particular with ten one. And it's designed to facilitate changes to the ceiling, uh, project where the planning act is a holistic statutory regime for, uh, DCOM and includes its own change process, and that is important because of the mitigation that Mr.

00:26:17:27 - 00:26:51:13

Bedford identifies. Mitigation agreed here should not be able to be sidestepped. And secondly, it is a holistic regime. Plans and documents are certified under article six and then required to be made available electronically to the public. So it does raise issues of transparency and public participation. If those plans suddenly don't reflect the project as it is going to come forward on the ground, because changes have been made through another regime.

00:26:51:15 - 00:27:07:01

So we do think, um, some deep thinking needs to be done in this area, and the applicant hasn't arrived at the solution yet, but we are of course disposed participating in finding that solution. Thank you.

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Thank you for that. Next. Can I go to, um, Senate? District council.

00:27:17:29 - 00:27:27:18

Good morning, Kenneth Johnson, Catholic District Council. Just to say that we agree with the concerns that have been raised. So we would like to be party to the ongoing discussions if possible, please. Thank you.

00:27:28:12 - 00:27:38:24

Thank you. And I don't believe Kent County councils here. Um, I think I've said about an election for all parties working together. Um, just to push you, you could give me.

00:27:38:26 - 00:27:40:00

Could I make a comment, please?

00:27:40:02 - 00:27:41:09

Yes, in a moment.

00:27:41:13 - 00:27:42:03

Um, yeah.

00:27:42:08 - 00:27:44:09

Obviously. Can I just finish what I was saying first?

00:27:44:11 - 00:27:45:01

I do.

00:27:45:03 - 00:27:58:18

Apologize. Um, could use an initial action point for deadline for, um, give me an update on what is happening when you're meeting. If you have a meeting, what's. Because I'd like to see some sort of progression on this, on this issue as soon as possible. So, Mr. Mahoney.

00:27:58:20 - 00:28:35:01

Yes. Thank you. Michael Mahoney from Preston Parish Council. Um, I cannot pretend to be as learned at the various council here, but, I mean, the particular concern that I've got, and I think it's been touched on his actual wording of towards the end of article ten three, which seems to would seem to give national grade a carte blanche to do their project regardless of anything else, I think there. I'm not an expert here, but it would seem to me there are some unique features of this development where you have a consent being sought for essentially the same infrastructure, and I know how that works as difficult, but also which directly abuts it.

00:28:35:03 - 00:29:06:09

Even if we're in scenario one and scenario two, and essentially whilst article 56 provides a control mechanism because it has to go to local authority, clearly article ten doesn't. I can understand the inclusion of an article like article ten, because these are complex projects and there can be inadvertent in inadvertent conflicts between. But this is a situation where there are two existing consents. There are very clear an organisation like National Grid has vast resources. Have we seen over the last three days.

00:29:06:11 - 00:29:43:03

They really ought to be able to go through the DCO and all the all the coordination going on and know very well what the project involves and where conflicts may arise, and therefore they shouldn't have what I would call a get out of jail free card when SPR doesn't. Um, and I noticed in this discussions, this is going back to article ten one that no practical examples were given. So I would give a practical example. This may not be a relevant one, but it's a point of concern to us is how does the National Grid substation get expanded.

00:29:43:15 - 00:30:04:02

And it may be expanded? I'm not sure how it gets expanded for line. Link line. We could currently seek in their own consent, just like National Grid as seeking their consent. But what happens with Helios? What happens with the other projects on the tech register? How? Which will require expansion of the substation. So I think that would be my concern under article ten one. Thank you.

00:30:04:04 - 00:30:04:19

Yes.

00:30:04:23 - 00:30:20:21

If I. I mean, I appreciate this maybe. Um, a little difficult. Um, but I do have something of a legal background. I would appreciate being involved in those discussions. I appreciate why you may not want that, but I'm not without a degree of expertise here. Thank you.

00:30:20:27 - 00:30:45:00

I think, um, you know, I appreciate your your involvement. Um, if we get a submission at deadline for with an update, you can see that you'll be able to comment on that. Um, you are right. We didn't get a practical example. I wonder if the applicant could just talk us through the location of the prison substation, because we know that there is a lot that may be going on there and how that would work.

00:30:45:02 - 00:30:48:29

Yes. Um, I think the best person to do that will be.

00:30:57:11 - 00:31:31:28

Just just one point. I just will make first and then see if that maybe Helps. Um, there's concern raised by East Suffolk and also by Mr. Carney about, you know, get out of jail free. And, um, there'll be inconsistency and we don't, you know, we've gone through this process and then we don't know what's all going to happen. I mean, I think it's really important to understand how the regimes work. There is no get out of jail free, available to to us at all, because anything we do has to go through the relevant authority.

00:31:32:00 - 00:31:56:17

And I think it's quite important to keep that in one's head. Um, the mere fact that there's another regime, the TCA regime, is not some witchery. I mean, that is a regime that is well established. And there is a the purpose of this clause or article is simply to enable, um, the applicant to utilise it in an efficient manner. Um, that's what this is about.

00:31:56:19 - 00:32:22:13

Yes. No, I do appreciate that. And I think I think all parties appreciate that there is a need for article ten. It's just getting the wording just right. So it does actually work with yes, with all parties. Um, I just wanted to clarify the discussion that you're going to have is with all the local authorities, you're going to be discharging. Yes. Or ten. Um, and I like to go to, um, uh, Francis Tyrrell, please. Online.

00:32:25:00 - 00:32:25:29

Um, thank you, Francis.

00:32:26:27 - 00:33:01:11

On behalf of the Gateway Portal Limited. I just wanted to raise a point on article ten to be in particular. And I should add, as a preliminary, I entirely sympathize with the, uh, intentions of the applicant in relation to including this article. Um, the concern is one that perhaps we don't need to go into detail now, but I just wanted to flag it because I thought it might be useful to sort of, uh, make the point so that for everyone's benefit, we can perhaps get some assurance from the applicant. Um, and it turns slightly on on the difference between what is development, as defined under section 55 of the Town and Country Planning Act.

00:33:01:13 - 00:33:32:18

On the one hand, and the area of jurisdiction of planning authorities on the other, which obviously only goes down to the high water. Um, so, I mean, you know what the, um, things can comprise development even though they're not within the jurisdiction of a planning authority. Um, article tend to be appears to, uh, allow other consented development to also itself um, avoid, uh, enforcement action.

00:33:32:25 - 00:34:15:03

Now London gateway port limited uh alongside the Port of London Authority has secured a number of commitments, um and requirements under a number of other dsos in the area, particularly five estuaries. And perhaps we'll soon see the North Falls automate, um, with relevant requirements in there. And as part of that in particular, there's quite a degree of that interactive provision in relation to what's happening at the sun area. And what we would be concerned is that any commitments or any restrictions on those other schemes, particularly as to what they have to do at the sunk and how they have to coordinate and liaise with other developments, could be done away with or weakened in some way in respect of article ten to be.

00:34:15:25 - 00:34:30:00

So there's not so much a concern about restricting Sea Link. It's the perhaps an unintended consequence because of weather tend to be could potentially relieve other schemes of their obligations and their obligations which we've fought to secure.

00:34:32:23 - 00:34:36:13

And thank you very much for that. The applicant like to comment on that.

00:34:36:15 - 00:35:12:01

Sarah, for the applicant, I mean, I think it again, it it does go back to the same point that, um, everything that happens has to go through a regulatory process. And it's not in our gift to change things without the relevant authority taking into account all the relevant material considerations, including comments from Mr. Tyrrell's Clients. Um, so I think that's that's the important point here. So there's no question of circumventing anything. And similarly, if the councils did not think that whichever was the relevant authority at the time did not think that a permission or any change should be made, they will refuse the application.

00:35:12:08 - 00:35:43:26

And so I think that's the and and if they refuse it, it'll no doubt be because they see merit in the point made by Mr. Tyrrell's client. So it it does it does work together. I mean, if I could also just, um. Well, I've got the floor. Just pick up the point about, um, liaising with the other authorities on article ten. Um, I've just had a quick discussion because we think article ten works, it would be very helpful if any changes to drafting could be sent to us so that we can meet your deadline for, um, by by the other authorities.

00:35:43:28 - 00:35:46:17

I think that would be the most expedient way to do this in time.

00:35:48:13 - 00:36:00:26

Um, how does, for example, Suffolk County Council feel about that? Would you prefer a discussion to move forward, or are you prepared to put forward some alternative drafting?

00:36:01:14 - 00:36:18:12

Um, madam, I think Michael Bedford, Suffolk County Council first of all, I think the applicant has accepted that they're going to look at the wording of article ten one to deal with the, um, section 35 points. I'm not sure that it's right strictly to say that article ten works as it is at the moment.

00:36:18:14 - 00:36:19:16

So it is accepted that.

00:36:19:18 - 00:36:51:16

Yes, quite so. Then the point is, uh, effectively, who should go first in discussing things? I think we're perfectly happy to take on that responsibility. Um, I think we'll need to liaise with. We have sharp recorders, our drafting legal advisers. We'll need to liaise with the relevant partner at Charlotte Pritchard to understand the timetable. We would certainly wish to be able to provide something by deadline for to assist on that, but I can't really commit, Mr.

00:36:51:18 - 00:37:02:02

Thomas, as it happens to a work stream that he at the moment knows nothing about. Um, and say that we can definitely do that, but we will certainly do our best to achieve that.

00:37:02:15 - 00:37:27:22

Okay, I appreciate that. Um, maybe what we should do then, if if you can attempt to put something for deadline for, um, obviously Atlantic District Council, East Civic Council again, if you want to put in any of your comments, um, for on article ten and then the applicant will also look at um, article ten one, um, and we'll see what we've got at deadline for and where we go from there. Um, so, Mr. Francis, I see you're still on. We'd like to make another comment.

00:37:28:03 - 00:37:29:18

So I was just, uh, I'm.

00:37:29:20 - 00:37:59:09

Whether it's a useful observation for when the applicant goes away and considers this. I don't think Miss Shakes point in rebuttal to the points I made actually works, because in the context that I was describing, I'm not sure there is another consenting stage that would be an issue, and I don't think there would necessarily be another relevant authority, as you referred to, that would have jurisdiction. If essentially these aspects at sea, um, had been changed in unintended under article ten to. I just want to make that point. Thank you.

00:38:00:04 - 00:38:19:06

Ma'am. I can respond to that very briefly, if that's helpful. Um, I think, Mr. Terrell, if Mr. Harrell looks at article ten to be the enforcement is only, um, removed where there is a in respect of the inconsistency itself. So it has to be in relation to the inconsistency. It's not just a removal of enforcement powers generally.

00:38:24:14 - 00:38:39:03

Sorry, I was just thinking this through. As we're speaking, it's very much sort of on the hoof. Is there any requirement for the MMO to be involved in these legal discussions in respect of the marine space and consents in the marine space under the Planning Act 2008?

00:38:39:05 - 00:38:47:17

If there is a, um, if there is an application that impacts on them, um, then they would be consulted. They should be consulted.

00:38:50:28 - 00:38:51:13

Okay.

00:38:51:15 - 00:38:52:00

Thank you. Thank you.

00:38:52:21 - 00:38:55:04

Madam. Make a quick comment. Oh, sorry.

00:38:55:11 - 00:39:11:05

Um, one just one point to, uh, Mr.. Uh, Mr. Tyrrell, please. Um, if you could submit for deadline for, uh, legal submission in terms of your concerns and concerns in terms of article ten, and then we can review that when we get the, the new draft in.

00:39:12:20 - 00:39:16:08

Or otherwise very content to take it up with the applicant directly if that's more efficient.

00:39:16:22 - 00:39:22:09

Yeah. No, that's that's fine if they have to be updated. Any discussion. Thank you. Grateful. Um, yes. Mr. Mahony.

00:39:22:17 - 00:39:47:21

Thank you very briefly, Michael Mani Forrest and parish council. Um, I may have misunderstood something, but my understanding of article ten that it doesn't require the involvement of a planning authority, and particularly article ten three. I had the impression from what was said that if there was any conflict that would always involve approval from a planning authority, that doesn't seem to be the way that article ten works. But I may I may have misunderstood something. Thank you.

00:39:48:01 - 00:39:49:21

Do you want to just respond to.

00:39:49:23 - 00:40:19:23

I can do briefly. I'm also very happy to speak outside, if helpful. It does, of course, involve the planning authority because they are the people who will grant a consent that would be potentially inconsistent with something that's been granted through the DCO. So we can't do anything without consent from somewhere. And the what we're envisaging here is planning permission being issued by the local planning authority in the future, which might be inconsistent. And all we're trying to do is to avoid them. The implications of Hillside and Pilkington.

00:40:21:10 - 00:40:23:01

We can speak outside. That will be helpful, yes.

00:40:23:03 - 00:40:29:19

But I mean, just important to note at that point that permission has to be granted by the authority in order for there to be a consent.

00:40:30:07 - 00:40:32:21

I think it would be helpful if you could speak outside, and I'm.

00:40:32:23 - 00:40:33:23

Very happy to do that.

00:40:33:25 - 00:40:38:12

Thank you. Has anyone else got anything on article ten before we move on? Uh, Mr. Burton.

00:40:38:19 - 00:41:09:10

Thank thank you, Madam James Burton, on behalf of, uh, sees. Um. so it sounds like as if we won't be included in these discussions. And that's fine. I quite understand, and I'm delighted to hear that they're in the good hands of Mr. Bedford Casey and Sharp Richard. Um, just an observation. It is, um, it is

extraordinarily difficult to draft generally around the Pilkington principle. Um, which, as I say, is an ancient principle.

00:41:09:12 - 00:41:46:08

Everyone seems to have forgotten about what, um, Chief Justice Lord Ridley said, and whatever it was 19 early 1980s or something like that. But it's been around for for a long time. Um, I just make a suggestion that rather than try to draft generally, which we always try to do as lawyers, of course, capturing every eventuality where the problem because of Pilkington is if you draft generally it's almost I would say at the moment looking at article ten it's almost impossible to draft it in a way that doesn't allow by the back door.

00:41:46:25 - 00:42:24:03

A reopening of this consent in a way that you would not wish it to be reopened. That's what the change process is for. Um, to consider being specific. Um, and actually, maybe the applicant needs to think about what it is specifically. We've heard, of course, mention many mentions of Scottish power. It is concerned about it in this respect, and that might be a way forward. Um, I appreciate what Miss Casey says about a local planning authority having to be involved, but of course, mistakes happen.

00:42:24:05 - 00:42:33:25

I mean, that's that's what happened in Pilkington. They granted two permissions and they completely forgotten that if you know the small the smallholding was a smallholding. So there we go.

00:42:34:03 - 00:42:41:02

They, we I appreciate I appreciate what you're saying. I think we've got a way forward at the moment and we'll we'll see what happens at deadline four.

00:42:41:09 - 00:42:48:21

Thank you ma'am. There is just one other point that Mr. Parker reminds me of, which is the scope of section 35 as well. Would you would you like to just make the point?

00:42:49:07 - 00:43:19:19

Very briefly. James Park of the applicant. So, as Mr. Bedford rightly reminded everyone involved in this hearing, this is a section 35 direction project. It's not an end set project. And a section 35 direction effectively means that one has to have a DCO. It can't be a planning permission for the development within the section 35 direction. So this so to any part of the development specified in the section 35 direction, one cannot seek a planning permission. So this is just about much more minor parts of the works that the applicant might be able to bring forward.

00:43:19:21 - 00:43:40:08

And it does come back to you know, it would have to go through due process opposite. Suffolk County, sorry, East Suffolk Council um, or in the appropriate planning authority. Um, so so it is quite narrow in nature. It is, you know, it simply cannot, as a matter of law, reopen anything under the section 35 direction.

00:43:42:08 - 00:44:19:26

Thank you. I think I understand this now, and we'll move on to the next item. Um, so moving on to item 21 and two. So in Q1, question one Jen 28, we asked the applicant to explain the reasons for the inclusions of the words which consent shall not be unreasonably withheld or delayed, and define what was meant by this wording, particularly when articles 11, three, 15, nine, 17, two, 29, 22, eight and article 59 included a 35 day decision period. We also asked the applicant to provide justification for deem consent in the absence of a decision, and for all local authorities to provide comment on these words in the 35 day decision period.

00:44:20:13 - 00:45:04:06

So we do know that the words and reasonably withheld or delayed were removed from all affected articles and excluded from the Bramford to twin step maid order. For expediency, I'm going to briefly list the concerns raised by the councils in this respect and ask the applicant to respond. And then I'll get the councils to respond and provide further detail if necessary. So Suffolk County Council responds, explain that they'll be receiving a considerable number of requests for approval, and will ensure that they are dealt with quickly as possible. Their position is that with the demon provisions included, there's no need to also say that approvals must not be unreasonably withheld or delayed, since a decision must, in any event, be made within 35 days, so these words should be removed from the article.

00:45:04:13 - 00:45:39:21

East Suffolk Council concurred with what Suffolk County Council said. Suffolk County Council also considers that 56 days would be a moralistic time period for determining, and the application made into the order than at district council stated that the council does not agree that deem consents should be applied. Should Thanet District Council not determine the application to discharge a requirement within that period? The District Council noted that it's expected that detailed information will be submitted that will be will require appropriate scrutiny assessment from the council, often in consultation with others, and the current wording disadvantages the council from being able to undertake their statutory duty.

00:45:39:26 - 00:46:03:00

And then we had a response from Dover District Council that stated that the Council considered the intended definition of the wording was unclear, and suggested that the 35 day decision period was specifically referred to, with a provision made to allow mutual agreement to extend this period when matters require resolution. So can I just first ask the applicant to respond to the points raised by the Council with respect to the inclusion of this wording and the length of the decision period of 35 days?

00:46:03:05 - 00:46:38:29

Madam, before the applicant, I do apologize for interrupting, but in that summary of the Suffolk County Council case, um, if you look at in the local impact report, what we said at 15.16 to 15.9, we went on to also expressed concerns about the 35 day period. So I don't want it to be, as it were, responded to on the basis that we accept the 35 day period. And I know that point has been picked up by some of the other authorities, but we simply referred in the first part of the answer to the 35 days, because that's what your question related to.

00:46:39:01 - 00:46:42:20

I did say that you considered 56 days would be more realistic.

00:46:42:22 - 00:46:44:21

Yes, absolutely. I'm grateful. Thank you. Ma'am.

00:46:49:26 - 00:47:30:27

James Parker, on behalf of the applicant, I'll try and take. I'll try and take these efficiently in the order that you've addressed them. Um, um, so in terms of what's written in it, and you'll appreciate there are a number of articles this has run into in accepting that Branford did the panel on the Secretary of State found it inappropriate in the context of that particular needs case and that particular program to deliver 2028, that these words should be included, albeit the deeming provision, I think was left intact. I would note that, for example, on the Yorkshire Green scheme, which was determined about six months beforehand, the Secretary of State went the other way in the context of that particular needs case, um, and included aspects of these.

00:47:30:29 - 00:48:03:19

These provisions. So say two examples. In recent times on national grid schemes, the secretary state going one way or another, and indeed panels going one way or another and turning to the particular monitors. And in terms of the point around, um, the quantity of applications, for example, that a local planning authority might be invited to deal with, the applicant would just note the proposal to have in place a planning performance agreement, and the applicant is committed to ensure that there is sufficient resources within the determining authorities, recognising the pressures they're under.

00:48:03:21 - 00:48:50:21

So that's just one point on quantity of applications as generality in terms of, um, the need for both deeming and unreasonably withheld or delayed, the point that the applicant would make is and this speaks to the resource point of degree, the applicant would not intend that applications drop out of the sky, as it were. You know, there should be pre-application engagement as an ongoing relationship with the authorities such that when the application applicant makes applications, they are not a surprise to anyone. And if it is possible that an application can be determined within a matter of days rather than rather than five weeks, then then the applicant would like the Secretary of State to make plain that that should be the case, that if it can be determined in short order, recognising the proper application of discretion, then that should be the case.

00:48:50:23 - 00:49:21:15

So that, I hope, helps in terms of why the applicant believes it's appropriate to have the wording both as to unreasonably withheld and unreasonable and delayed alongside the deeming provision. Turning then to the deeming provision, I say, and I am taking these rather rapidly, which I hope is helpful. Turning to the deeming provision itself. Um, one point the applicant would make in that regard is that that doesn't just happen automatically. There's a protection built in to the article such that when this kind of application is made, the letter says, you know, dear authority, here's our application.

00:49:21:18 - 00:50:04:20

If you don't determine it within this period. So there's a notice of the application or the determining authorities on notice and is reminded you no one can picture the scene over the years that you know, parties and officers who are not here today or pick this up on their desk and have to appraise themselves of the detail of the article. So there is protection built in in that fashion. Um, the next

point, I think, was the number of days. Um, I suspect I mean, the reality here is it speaks to sort of the, the macro program and policy, um, a position that the applicant finds itself in, in terms of delivery, not just on time, but indeed ahead of ahead of time, as is.

00:50:04:22 - 00:50:43:22

Um, well, I'm not going to trouble you with that. That set out in written evidence, but, um, you know, 20 to 2030 and the critical national priority, etcetera, that speaks to the macro position. And the applicant has, you know, sat down and thought about and say, I suspect this is better dealt with in writing as to what is sort of tolerable, if you like, in terms of, uh, periods, the difference between 35 and 56. Uh, as to what the applicant feels would enable it to to meet what it needs to meet, mindful of its statutory duties. The other point that I think was raised then was also, um, forgive me, derogation, if you like, from 35 days, which I think was David David's point.

00:50:43:25 - 00:51:04:28

Uh, and in each of the cases of the provision dealing with 35 days, we find the words all such other period agreed by the authority and the undertakers, there is a derogation opportunity so that hopefully offers protection where the parties are in agreement that a longer time period would be appropriate. So there was a bit of a whistle stop tour from a number of important points, but I hope that assists.

00:51:05:00 - 00:51:15:19

No, no, that's much appreciated. And obviously you will be responding to those those deadlines for your representations from the councils at the deadline far. So I'll be able to see the detailed response then. Can I just turn to.

00:51:16:02 - 00:51:47:21

Speak to two more points just to pick up on what Mr. Parker said? Just two points. Um, one is in relation to the deeming provision, um, Overriding the need for the unnecessarily um, refused and delayed. Um, just to make the point that the deeming provision doesn't address the question of unreasonably withheld. Because once the council responds, then the deeming provision doesn't apply. So if it's unreasonably withheld, you're going to end up in an appeal process which will delay the process much more. So that wording is necessary. The deeming provision doesn't overcome that.

00:51:47:25 - 00:52:22:10

Um, the delayed point. There's an argument to be had because you're delaying it 35 days. Otherwise it's um, deemed um, but they're not exclusive. The second point just relating to I think, is East Suffolk, who don't want to have any deeming provision at all. Um, deeming provisions are not uncommon. They are one they're well-trodden in the DCO process now, but they're also in the Town and Country Planning Act as well, in relation to a raft of different um, approvals, um, telephone masts, some of the other um, agricultural barns and so on so that they are well established part of the regime now.

00:52:22:12 - 00:52:32:11

And there's a reason for it, of course, is because if this if these sort of schemes are considered to be appropriate, then there shouldn't be an unnecessary delay. So it's not unprecedented.

00:52:33:15 - 00:52:37:16

Thank you. Um, can I now come to the council? So Suffolk County Council.

00:52:38:11 - 00:53:09:10

Thank you, Madam Michael Bedford, Suffolk county council. Uh, we have, um, set out in the local impact report. Our concerns about this matter, both in paragraphs 15, 12 to 1514, then 1516 to 1519. But you also need to have in mind, because it's a related point. What we say in 1571 to 1574.

00:53:10:26 - 00:53:51:26

Whilst those latter references don't deal with these articles, they do deal with requirements which also have a time limit in it. And what we explain there, particularly by reference to Branford to Twin State, as it were, practical experience at Branford, twin said. There is a 35 day period and we have had practical problems in the discharge of requirements, uh, refereeing, referencing, uh, that particular project, whereas those projects which have dsos which have a 56 day period and we've gained instance those we haven't had those problems.

00:53:51:28 - 00:54:25:00

So that's part of our concern in terms of going back to, um, the position on the articles. Um, certainly the deeming provision does deal with the issue of delay, and there can be really no answer. We would suggest, uh, to that, um, if you have got the period right? But if the local authority doesn't make a decision, then the Dean provision applies.

00:54:25:11 - 00:54:46:18

I can understand in a sense a little bit more Miss Sheikh's point about. But what if they do make a decision? But then there is either the appeal mechanism. If you're in, um, requirements or there is the arbitration clause if you're not in the requirements. So there is a, as it were, a structure in the event of a

00:54:48:05 - 00:54:56:10

decision that the applicant regards as unfavourable. So we think that that's the mechanism and that's the mechanism that should be applied.

00:54:57:23 - 00:55:03:03

Thank you. Um, before I go to ask for counsel, can the applicant just, uh, just comment on what.

00:55:03:05 - 00:55:03:28

On that last.

00:55:04:00 - 00:55:04:29

Point? Yeah, please.

00:55:05:05 - 00:55:38:29

Well, I think that unfortunately misses the point because, um, sorry for the applicant. Because the whole point is about not delaying matters. So if there's an unreasonable withholding. So it's not about unfavourable He could have an unfavorable decision. Its unreasonable withholding if you have that. And if you don't have this clause and the council can act unreasonably, we are still stuck in the appeal process or the arbitration process, which could take a period of time. So that's why this is important,

because it means that there is a disciplining influence on the council, which means you shouldn't put us in a position where we've got to appeal.

00:55:39:01 - 00:55:40:16

So it's a do is timing.

00:55:41:29 - 00:55:52:01

And I appreciate that. And I do think there's an action point with the applicant. Go away and consider the 35 day period in terms of what he suffered.

00:55:52:07 - 00:55:54:28

For 35, 56 days. Yes, we will do.

00:55:55:00 - 00:55:57:15

Um, can we hear from East Suffolk Council, please?

00:56:00:21 - 00:56:30:24

Thank you. Mark Smith for East Suffolk Council. Um, again, for expediency, we adopt and endorse what Mr. Bedford has said. And you have our written position in our response to one. Gen 28 rep 3085. Pages 7 to 10. Um, turning just briefly to deal with um, unreasonably withheld or delay.

00:56:31:08 - 00:57:14:11

Delayed and delayed is addressed by the, uh deeming provision. Um, and it is also hard to conceive of a decision being falling within the term delayed where it is made within the period 35 days, or, we hope, a longer period and unreasonably withheld is doesn't add anything to the party, because one needs an arbiter as to whether or not it was unreasonably withheld, and that is provided by the structure, either through the arbitration clause or in the context of requirements and appeals.

00:57:14:13 - 00:57:47:20

So for those reasons the wording is not necessary. And then just to endorse your request for the applicant to look at the 35 days, and we'll come back to the point that this is an area where, um, there are a number of ongoing projects. By way of example, just on one project before Christmas, um, about 30 applications to discharge requirements landed on this council for EA two.

00:57:48:07 - 00:58:27:25

And we've got we've dealt with the majority of those. We've got a few to finish off well within the deadline. Um, that's at the same time where we have applications to discharge from Sizewell and these things tend to land in tranches. Um, so the practical experience on the ground and this is an experienced council, as is the county council at dealing with these applications. To discharge is that 35 days can cause problems, even with the council working flat out to discharge its responsibilities.

00:58:28:26 - 00:59:06:16

And and the further context to that is just stepping back from it all. These are not, um, sort of frivolous details, but a really important part of the process, because what you are grappling with now is the principles to, um, about the project and whether or not that should be consented. A lot of the

detail is left to requirements. And of course, residents of this area will live amongst the detail for years to come.

00:59:06:19 - 00:59:34:21

So to for the count, for the applicant to be saying that we're under time pressure and so we need limited scrutiny or limited time for scrutiny, I'm afraid doesn't get the balance right. And we need to make sure details of discharged carefully and they're as good as they can be. So we do really, um, urge the applicant to reconsider the 35 days. Thank you.

00:59:35:07 - 00:59:40:07

Thank you very much, Mr. Westmoreland. Smith. Um, can I go to Catholic District Council, please?

00:59:43:08 - 01:00:28:26

You, Helen Johnson district Council. And we've heard and understood all of the points raised throughout this discussion. Thank you. And our points are of concern are included clearly in the SSC, one which you've kindly read out and also in our Statement of Common Ground. And the Council maintained its current position. And what we would like to do is echo the, um, the points made by East Suffolk Council and the ability for district councils to discharge a large number of applications which may arrive in one go and, as we've already highlighted, are likely to require considerable engagement and consultation with other agencies and bodies, and that would potentially delay that beyond, you know, a 35 days a week, who would would ask for a consideration of a longer period of the standard eight weeks? Thank you.

01:00:30:11 - 01:01:03:14

Thank you very much. And I'm aware of, obviously, that Kent County Council are not here, and they did not respond to that question. So I will put an action point for Kent to also consider, um, the, the day 35 day period and, and the words that go with it. Um, has anyone else got anything they want to raise on this item before we move on? Uh, councillor Becky wing. Thank you. Uh, just to point out that I don't know whether Suffolk are going through the same process, but we're about to be reorganised, so it may be that Thanet District Council actually disappear.

01:01:03:17 - 01:01:38:10

So I think it would be prudent to extend the days to 55, because there may be a transition period that would possibly result in delays that are that, that are, uh, that are just going to happen because the whole the whole area of Kent is going to be reorganized. Uh, I'm not sure if Suffolk are undergoing the same process, but I echo the the 56 days I sit on planning. And I know our planning department has a huge number of, uh, planning applications coming in on a daily basis anyway, and we may well have to deal with Manston Airport if that gets up and running as well.

01:01:38:12 - 01:02:09:22

So Senate, District Council or the new East Kent Authority could have a double whammy and just be physically unable. And that also points to resourcing. So what what what what extra funding is available for councils to actually have the staff capacity to deal with such an extraordinary, uh, number of applications that could come their way. You know, our staff work extremely hard and they may not have the capacity to do this.

01:02:11:06 - 01:02:16:05

Thank you. Catherine. And could the applicant just just clarify that point for Councilor Min, please?

01:02:16:07 - 01:02:31:03

Yes, indeed. Sara Shaikh for the applicant. Well, in terms of funding and resourcing, we do, of course, commit to funding via the PPAs. And so that ensures that the local authorities do have resources to deal with these applications.

01:02:31:23 - 01:03:09:16

Thank you. So moving on to item 21.3 in question one, Jen 14, we asked whether it was the applicant's intention to produce final, detailed versions of plans to be certified by the Secretary of State as described in article two, or to produce outline plans to be certified by the Secretary of State, with the final version being approved by the relevant planning authority, as was implied by the wording of requirement six and schedule 19. We also asked the applicant to explain who would be the relevant planning authorities approval of such documents, and also for the discharge of schedule three requirements in all locations, and how this would work in practice with multiple host authorities.

01:03:10:01 - 01:03:45:07

The applicant confirm that article 60 requires that as soon as practicable after making of the order, the Undertaker is to submit copies of the documents listing at schedule 19 to the Secretary of State for certification, and that their true copies of the documents and the applicant amended article two so that certifications only referred to in respect to the documents listed in schedule 19. The applicant also stated that in respect of the relevant planning authorities, it was produced a table listing the relevant planning authorities by name and would submit this once available. Just can I first ask when the applicant intend to provide this table and submit it to the examination?

01:03:45:09 - 01:03:47:16

I think this table can be provided by deadline for.

01:03:49:10 - 01:03:51:21

Yes, it can be, yes.

01:03:51:23 - 01:03:56:01

I will add that as an action point, the deadline for. Thank you. Sorry.

01:03:56:29 - 01:04:00:23

May I am Ali Ali, leader for the applicant. Um, we.

01:04:00:25 - 01:04:01:10

Have.

01:04:01:12 - 01:04:38:21

Been considering this comment in the background. And, uh, I think what we're what we're considering is we want to give certainty on on who is discharging, um, which management plan that that is in everyone's benefit. Um, but we are also very conscious of local government reorganisation and that we wouldn't, on the face of the order, want to be defining a council that may or may be amended by

the time we come to discharge the requirements. So I think where we are thinking of going with this is that we produce that table and we place it in the explanatory memorandum.

01:04:39:00 - 01:04:48:23

Um, and that we retain the the definition of relevant planning authority within the provisions to allow for this potential change in the names of authorities.

01:04:49:11 - 01:05:16:17

Okay. Thank you. I appreciate it's difficult because you don't know what the situation is going to be, but equally, if it's not concise and precise, there can also be confusion in terms of who's who's in charge of what. I know the the councils did raise comments on this respect, and I will get the council's to cover that in a moment. Can I just first ask the appellant to clarify if all the documents will be outlined to be certified by the Secretary of State, with a final version approved by the relevant planning authority?

01:05:20:00 - 01:05:24:09

Um, I'm sorry, shake for the applicant. Leader is going to deal with these points.

01:05:26:18 - 01:05:57:08

Leader for the applicant. Um, so in requirement six we've set out which of those management funds are in accordance with an outline version and and which are not. Um, so it's there are um, I think only only a couple where we don't have the outline versions at this stage. So we would go straight to final to be approved on those documents. Um, I'm not sure whether this is this is where you were going with the question, but on the register of environmental actions and commitments.

01:05:57:13 - 01:06:20:25

And we have. We have been aware that we need to make it clear that the version before you, we would be, um, in general accordance with that version. Um, so there is, um, an error that that's come in there. And when we took that back out of the appendix to the camp and it hasn't quite been referred properly, and we will deal with that by deadline for.

01:06:21:25 - 01:06:55:14

Okay. I think just we note that on Bamford's twin said the Secretary of state amended the Maine made DCO to ensure that relevant management plans were only considered outline and there must be approved by a local planning authority post consent that the Secretary of State considered that this would enable greater detail to be added during the detailed design and pre-construction survey phase. So can I just ask the councils to comment on this matter? And in particular, do you consider that the plans as submitted are sufficiently detailed to be certified? So I'll go to Suffolk County Council first, please.

01:06:56:26 - 01:07:01:13

Thank you, Madam Michael Bedford, Suffolk county Council. Um.

01:07:03:24 - 01:07:39:08

And in terms of looking at, uh, requirement six, uh, we certainly endorse the approach of having outline plans, uh, which are available at this examination, to be followed by detailed plans to be

submitted to a discharging authority. I'll use that phrase if I can, because we have got a separate point, which I think we have touched on, that there are some, uh, topics where, um, we consider that it wouldn't be the relevant planning authority.

01:07:39:10 - 01:08:11:02

That should be the discharging authority. It may be another discharging authority, such as the county council, because the subject matter might be focused more on highway matters, or it might be focused more on surface water drainage matters, whatever. So there's that that nuance. So if one's looking at the wording of relevant planning authority, it might need to be relevant planning authority or other discharging authority in accordance with whatever the relevant requirements say that.

01:08:11:04 - 01:08:44:08

Then going back to requirement six, you will see that um from items N to S, and I note the point that this leader made about the react, which is item S, and that's not quite caught up with how it works, but you've got a series of plans from N to R. Um, sorry, N to Q I should say materials and waste management plan, construction drainage management plan, flood management plan and operational drainage plan. And they are not preceded by an outline plan.

01:08:44:10 - 01:09:15:24

And I think we don't consider that the documents that we've seen thus far are satisfactory. So we would be wanting to see those also dealt with through the vehicle of an outline, then followed by a detailed which is subject to discharge. So that I think, is the overall position on. I think your question, we do have some wider points on, um, uh, requirement six and the way that the react works, but I think there probably matters better for our written submission than dealing with your question.

01:09:15:26 - 01:09:16:17

Thank you.

01:09:17:05 - 01:09:27:19

Thank you. If you have got points on that, if you could put that in a deadline for that'd be that'd be appreciated. Um, can I go to East Suffolk Council, please?

01:09:30:26 - 01:10:13:21

Thank you. Mark Smith for East Suffolk Council. Uh, we do our content with the principle of outlines. Um, at this stage of detailed plans to be approved, uh, in the discharge of the requirement, we, um, have comments on specific, uh, outline plans, and we've put those, uh, in writing and would endorse the point that's made by Mr. Bedford that, um, the L to Q plans are indicated as detailed in requirements.txt, but we haven't seen that detail as they exist at the moment.

01:10:15:28 - 01:10:21:04

Okay. Thank you. Um, can I come to the district council first?

01:10:23:09 - 01:10:54:28

Helen Johnson, Thanet district council. Um, just to say that the council is concerned at the vagueness of the design Principles document, which is obviously forming as a certified document, and the wording within regulation three, which refers to in general accordance, which doesn't really assist

with the assessment or decision making process and the requirements within the Design Principles document, consistently refer to technical details and documents that could be provided rather than will be provided, and an example is the concrete platform and the two metre concrete platform within the design approach document on page 48.

01:10:55:00 - 01:11:05:04

Which can I just pause you? Uh, we are definitely coming in. We're covering that under the design section, which will be shortly. Um, so could you you know, which.

01:11:05:13 - 01:11:15:25

You will be. We will be covering that. So I just wanted to make sure that's coming. But we are. Yeah, we are. We are understanding about the outline and the final plans. And we do have some, um, some comments to make, as was noted.

01:11:16:15 - 01:11:22:24

Thank you very much. Um, I see I've got a hand up for Mr. Harriman. Uh, if you'd like to speak now, please.

01:11:26:17 - 01:11:48:06

Morgan. Hangman. On behalf of the Environment Agency. To flag that since our relevant reps, we have been requesting to be consulted on a number of those management plans listed under requirement six. And we note that we have been Consult listed to be consulted on the

01:11:49:21 - 01:12:15:27

waste material and waste management plan, but yet we are not listed to be consulted on other plans, such as the Onshore Construction Environment Management Plan, a code of construction practice. Within our deadline for response, we will be reiterating that we want to be listed as a a relevant authority or someone to be consulted with in regards to those plans.

01:12:17:02 - 01:12:34:20

Okay. Thank you, Mr. Chairman. Um, can the applicant respond to the points just made by the EA? And also, um, my brain has gone dead now. Um. Oh, um, yeah, we'll cover that later. Um, sorry response, Mr. Hammond. Well, I gather my thoughts. Thank you.

01:12:35:08 - 01:12:38:20

That's no shake for the applicant. I think again, Miss Leader is going to deal with this.

01:12:40:09 - 01:13:18:27

Thank you. Ali leader for the applicant. Um, so taking these points in, turn backwards if you like. Um, yes, we are considering the EA's comments on being consulted on the plans. I mean, in principle, we have no no objection to that, but we're just looking through the nuances of which funds they've requested, and we'll come back on that at deadline. Fourth. Um, in terms of BT and, uh, Branford twins dead, um, in case it's helpful. I was working on that project and was part of that examination, and the question was quite different on that project in terms of the certification of documents.

01:13:18:29 - 01:13:49:16

So what that, um, what that DCO originally sought to do was to certify final versions of plans without any further approval from local authorities. So there was a submitted document, for example, called the construct of the Construction Traffic Management Plan, and that was sought to be approved as the final version, what was discussed and negotiated through the examination is that it wasn't felt that there was sufficient detail. Actually, it wasn't focused on that management plan. It was focused on the others.

01:13:49:18 - 01:14:20:16

But there wasn't considered to be sufficient detail for those to be called final. And there was a need for this further approvals process. And so those plans were then changed in the DCO to be outline. Um, and then with this further approval. And that's the position Sealink have started on here. So it's not that in any way the outline plans were not considered suitable to be certified. It was that they were starting from a different position on that. Um, if that's helpful.

01:14:20:20 - 01:14:52:06

Um, on the outline plans on waste and drainage, which are. Yeah, they plans, um, oh P and Q sorry, n o P and Q um, we we take the point. Um, on drainage, we have submitted, um, drainage strategies and what we're doing in the background now is considering to what extent they could be certified as outline, or in what way we might submit those as outline or just tie the these to those drainage strategies.

01:14:52:08 - 01:15:01:19

So we are considering that in the background. Um, the point on materials and waste I will need to take away because I'm not sure on the status of that one.

01:15:01:28 - 01:15:29:20

So can I just as a general action point, if you can just consider any plans that aren't currently down as outlined, whether they whether they should be um for deadline for please. And when you're producing this table of who's going to be who's um who's going to be the relevant planning authority. Um, could you do that in, in obviously in consultation with people like the Environment Agency and obviously the councils. Thank you. Um, I see Vicky Fowler online.

01:15:32:16 - 01:15:33:04

Vicky Fowler.

01:15:33:06 - 01:15:33:21

On behalf.

01:15:33:23 - 01:15:34:10

Of the Port of London.

01:15:34:12 - 01:16:06:20

Authority, just by reference to the fact there's just one further consideration which obviously has been referenced to the planning authorities. But of course the react also contains offshore commitments. Um, so there's a couple of points there. So again, whether that's appropriate for the planning authorities or whether that that should be the, um, the MMO. Um, I mean, part of that um, may get

addressed obviously through the, um, you know, the various plans, like the navigational installation plan where we're looking for commitments to be, um, to be included.

01:16:06:29 - 01:16:39:29

Um, but also in terms of that risk, obviously, we are relying on those commitments that are set out. And, um, and I note the reference in general accordance with. But, um, yeah, there would be concern about some of those being watered down. And I think generally the shipping and navigation points need to be looked at generally because there's reference to requirement six and the Offshore Construction and Environment management plan, which is very much in the marine licence. So it just all needs, um, needs sorting, and we'll make further reps at the next deadline.

01:16:40:24 - 01:16:41:09

Thank you.

01:16:41:11 - 01:16:46:04

Thank you. Thank you. Um, so next, I think Michael Mani had his hand up first. And that was.

01:16:46:06 - 01:17:19:12

Mr. Thank you. Michael. Mani. Kristen. Parish council. Just a couple of brief points. Um, in these Scottish parties, unfortunately, I've had to go through this document far more detail than I would have liked, but I've had to, unfortunately. Um, I noted that in the Scottish Power DCO when it came to compliance with outline plans, the wording used was must be in accordance with. And here we got the qualification of substantially. Notice a bit of a lawyer's point. But in a circumstance where we've had a there's a there's there seems to be a desire to move away from existing litigation which is being established.

01:17:19:14 - 01:17:44:17

I'm concerned that substantially could be used as a means to water down litigation. But like the points just been made about general accordance with. Um, and the other point I'd make detailed point following the comments concerning outline plans might sound a bit like a broken record on this, but there is actually an operational drainage management plan for the substation site, which is probably extremely close to discharge with Suffolk County Council. So again, let's not reinvent the wheel here. Thank you.

01:17:45:15 - 01:17:51:03

Thank you. And would the applicant just like to comment on those points first before we move on to Mr. Burton.

01:17:51:06 - 01:17:54:18

So Jake, for the applicant, Mr. Parker will respond, please.

01:17:54:28 - 01:18:26:04

James Park for the applicant. So I think the point in terms of substantially in accordance is to accommodate the fact that the discretion of the two stage approach at the second stage sits with the local planning or other discharging authority. If the wording was must be, then the act discharging authority would have no discretion because it must be in accordance. So I think that's sort of the that's

hence why one says substantially in accordance. And I think in fact, that was wording that came through from the Romford Examining Authority's report, if memory serves, which we can check.

01:18:26:06 - 01:18:32:29

But that's the notion so that the discharging authority actually has some discretion to exercise. Otherwise it begs the question as to why have a two stage approach?

01:18:33:19 - 01:18:44:00

Can I just ask, so why can you not just have in accordance with why didn't you have to be substantially? If it's an outline plan anyway, why do you need the word substantially in there?

01:18:46:06 - 01:19:04:01

I think the answer to that it's I will take that one away, if we may, but I think instinctively the answer sits within the, within the discretion, um, such that the discharging authority has that discretion. Otherwise it would say it begs the question as to why have the two stage approach. But we'll certainly take that away, ma'am.

01:19:04:21 - 01:19:09:01

Thank you. Yes, I'll make that an action point of deadline for please. Just to consider, consider.

01:19:09:06 - 01:19:27:28

Just follow up on that point about discretion because obviously that's not what this says substantially allows discretion both ways, not just with the local authority. If it was said that there was some discretion for the local authority for it to be in a substantially in accordance with, that would be fine. But the wording at present allows discretion both ways. Thank you.

01:19:28:28 - 01:19:30:21

Thank you and Mr. Burton.

01:19:31:03 - 01:20:02:13

Thank you, Madam James Burton, on behalf of Seas. Uh, two, two points, um, that, um, we consider fairly fundamental. Um, the first is that clearly the way that, um, requirement sex works, it's it's it's bite comes in the subparagraph two. Um, I'm probably missing something, but subparagraph two seems to concern only the construction period. And there are many, many, uh, commitments across the documents.

01:20:02:15 - 01:20:26:25

I mean, certainly many in the react, but not just that, that apply beyond the construction period. It's it's just a drafting point, but it's quite, a quite an important one. Um, and the second point as, as you know, we do consider there are some matters that are so important. They really should be on the face of the DCO. And we've mentioned noise limits. Thank you.

01:20:26:29 - 01:20:37:19

Yes. And we will be talking about what items should be on the face of the, the the order later. I don't know whether the applicant just wants to respond to the point made by Mr. Burton before we move on.

01:20:40:26 - 01:20:44:14

I think so. For the applicant, I think mum will just take that away.

01:20:44:26 - 01:21:03:03

Okay. Thank you. Um, in that case, I think we'll move on. I will now hand over to Doctor Hunt for the next item on the agenda. I should note that there were a couple of issues from I think it was psychology. Well, diversity earlier in the week, Doctor Hunt, that we said we'd roll over some of these questions to the DCO.

01:21:03:12 - 01:21:06:15

Yeah, I'll pick that up as I go through. Thank you.

01:21:06:23 - 01:21:23:25

Um, so staying with DCA requirement six in our section 89 three letter dated 5th of September 2025, the WSA requested that operation and maintenance measures were secured in a separate operation and maintenance plan. In summary, the applicant's response that this was unnecessary because operational measures.

01:21:23:27 - 01:21:24:18

Were secured.

01:21:24:20 - 01:21:42:09

In documents such as the Register of Environmental Actions and Commitments and the Outline Landscape and Ecological Management Plan. Can the applicant talk through exactly how the DCO secures the operation maintenance elements? Because to my reading is currently worded, the focus of requirement six seems to be almost entirely on construction.

01:22:24:12 - 01:22:24:27

Oh, sorry.

01:22:24:29 - 01:22:30:26

Yes. Can I just check whether Miss Leader needs the question repeated or whether you picked it up?

01:22:33:02 - 01:22:56:13

Uh, alley leader for the applicant. Um, sorry. Yes, my my colleague has, uh, has updated me, but, um, I think we probably need to take this away because we've got lots of different management funds, and it's not necessarily the same answer. And I think we perhaps need to look at six two. Um, yeah. Yeah. Sorry. I think we might need to take that one away.

01:22:59:16 - 01:23:27:14

There's potentially an issue with, uh, requirement five. Is it regards to the red throated diver protocol as well? I think there has already been some comments on that throughout the written reps. I think you have already provided some responses, but it's sort of that wide principle. And so you'll take that away to comment. In the meantime, could I just ask the, uh, local authorities whether they have any particular comments on this point, I'll turn to Suffolk County Council first.

01:23:27:28 - 01:24:00:08

Thank you, sir. Mark Bedford, Suffolk County Council. Yes. Uh, the issue that was raised very helpfully by Mr. Burton about the current wording of requirement six two. It does seem to be limited and doesn't seek to actually secure react commitments which relate to the operational period. So we do think that needs some consideration. And could I just widen the the debate very slightly.

01:24:00:18 - 01:24:19:18

We also have a concern if you go to requirement five um, three, which is dealing with the uh matters which are the pre commencement, um, matters. And we think that there are a number of pre commencement matters which need to be the subject.

01:24:22:11 - 01:24:29:11

Of either react commitments or other controls. But at the moment, the way that we're reading

01:24:31:05 - 01:24:54:12

five three as currently drafted, it seems to only tie the pre commencement activities in terms of further control to where there is an outline plan. That's what it talks about. So it doesn't seem to include the risk at all in that. Uh, and uh so that clearly we think needs some further consideration.

01:24:57:10 - 01:25:01:29

I appreciate that the applicant is going to come back with a more detailed response, but you won't comment on that now.

01:25:04:03 - 01:25:51:22

Again, I mean, I think for for reassurance, it is intended that the operational element of, of the Reac, um, applied to the operational period, um, and that things like the operational drainage management plan, of course, applies to the operational period. Um, so I think that's what we need to take away is just make sure that. That we've got the right provisions in there with that in mind. And I think the same with with five, three. I take the point. Um, it's not intended that three commencement works wouldn't be in line with the the reactive, very important document that's been, uh, 86 pages of, of commitments that the applicant has made to local authorities and external bodies, and we have no intention of not keeping those.

01:25:51:24 - 01:25:55:27

So, um, yeah, we'll, we'll take away and making sure that that's clear in the drafting.

01:25:57:01 - 01:26:10:28

Just come back on that point. There were a number of comments made yesterday about the fact that the reactor has no actual ability to secure specific outcomes, it's just simply a list of commitments. So that's not your opinion, I'm assuming.

01:26:12:11 - 01:26:19:21

For the applicant. Correct. That's not our view. Um, it is secured under requirement six as a document to be complied with.

01:26:20:23 - 01:26:21:16

Thank you.

01:26:22:07 - 01:26:27:28

Um, we've heard from some Suffolk County Council. Uh, could I turn to East Suffolk Council?

01:26:31:22 - 01:26:48:13

Uh, thank you, sir. Mark West for East Suffolk Council. I don't need to add to the debate important points of being raised, and I'm happy to hear the intention is that operational controls are included and the applicant will seek to ensure that happens going forward. Thank you.

01:26:48:29 - 01:26:51:28

Thank you. And Thanet District Council.

01:26:55:00 - 01:27:00:22

Thank you. Helen Johnson, Catholic District Council and we've got no further comments to add beyond those that have already been made. Thank you.

01:27:01:07 - 01:27:31:00

Thank you. And, uh, were there any other comments from within the room? Nope. Uh, in that case, we'll move on. Uh, article 51. Um, on Tuesday, we had a brief discussion about article 51, and I highlighted my concerns regarding the potential for conflict between the Reac and the DCO provisions, meaning that there might be potential for ancient and veteran trees to be felled. Um, are you able to? The applicant was going to come back with an update on that specific point.

01:27:35:08 - 01:27:36:19

Yes. Uh, James Park.

01:27:36:21 - 01:27:37:06

For the.

01:27:37:08 - 01:27:38:15

Applicant. So we.

01:27:38:17 - 01:27:39:09

Think the position.

01:27:39:11 - 01:27:43:06

On the point raised is as follows. Obviously, the.

01:27:43:25 - 01:27:44:21

Article 51.

01:27:44:23 - 01:27:53:23

Is in the usual way, the broad power, uh, but one then finds, uh, via a commitment.

01:27:53:25 - 01:27:56:09
A05.

01:27:57:00 - 01:28:34:25

Of the reac is a commitment pertaining to the retention of all veteran and ancient trees within or immediately adjacent to the old limits. So I think our position is that, say, in sort of the usual way of DCO drafting, that one has the overarching power and then the control document plugs in if you like, and then controls the overarching power. So that's it in terms of the security mechanism, sir. So my my concern is that you also have power a0 two dangerous trees that pose a safety risk to infrastructure construction as part of the proposed project during the construction period and during operation can be removed.

01:28:35:03 - 01:28:57:17

Um, so to my mind, there is a potential that a difficult tree could be deemed to be dangerous and just felled at that point in time. So at the moment, there is no additional judgment applied to that or control mechanism for the local authorities say, actually, we disagree that this is a dangerous tree or that it should be removed in these circumstances. That's the particular concern.

01:29:08:14 - 01:29:11:14

Ollie Laycock for the applicant. Uh, so we've.

01:29:11:16 - 01:29:12:28

Obviously undertaken.

01:29:13:00 - 01:29:13:15

Uh, a tree.

01:29:13:17 - 01:29:14:13

Survey in accordance with.

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

Five, eight, three, seven, and we've.

01:29:16:16 - 01:29:18:01

Assessed the condition of all veteran and.

01:29:18:03 - 01:29:18:22

Ancients.

01:29:18:24 - 01:29:54:25

And I believe all of those trees that are next to where we propose to go, i.e. construction access routes have been assessed, and I don't think we deem them dangerous at this time. But that's not to say that they wouldn't become dangerous at some point. Um, there is also, um, within a requirement, a schedule three of the DCO, the requirement to produce an arboriculture method statement, uh, and that will determine, uh, trees to be retained and removed, including pruning works.

01:29:55:01 - 01:30:03:27

So within that document, we would discuss veteran ancient trees. And then that would need to be approved by the relevant, uh, planning authority.

01:30:06:20 - 01:30:12:16

Can you comment very briefly on the species of trees that are ancient or veteran in Suffolk.

01:30:14:16 - 01:30:37:14

Holly Laycock for the applicant I think the majority of species are oak trees. Um, we have an ancient horse chestnut next to the Bromus. Um, yeah. I think that those are the two predominant species. Oak being dominant. Okay. Thank you. Um, do the local authorities have any comments to make on this particular point?

01:30:39:27 - 01:31:16:29

Sir Michael Bedford, Suffolk County Council so certainly, um, if the drafting is improved, we can see that there is a way in which the reac commitments, uh, in relation to ancient and veteran trees, uh, can, uh, as it were, override the sweeping power in article 51. It's a drafting matter. It could be dealt with. Currently we don't think it is dealt with, so it needs to be dealt with to ensure that the sentiment that the applicant has expressed is translated.

01:31:17:01 - 01:31:34:29

At the moment that isn't the case, but I say it's a drafting matter that can be dealt with. But we do have a concern about that. And obviously for the purposes of today, I don't repeat we've got wider issues about the approach to planting and replanting and so on. But that's a different point. But that also relates to the same overall debate.

01:31:35:29 - 01:31:42:05

Thank you. Do you have any, um, particular thoughts on wording? Do you have a form of draft wording that you could offer?

01:31:43:29 - 01:32:19:11

I think at the moment, no, because I say the problem at the moment is that the way that article six three, uh, sorry, 62I apologize is worded, uh, it doesn't, uh, properly secure the commitments in the reac. And we know that that's going to be given some further considerations. I think really this is more a matter for the applicant to present its intentions, which we can then comment on rather than, let's say, I think, the authorities drafting what they would propose.

01:32:19:13 - 01:32:25:24

I think we're probably happy to have an offline discussion with the applicant, if that helps move the process on.

01:32:26:05 - 01:32:27:29

Thank you. Um, applicant.

01:32:29:03 - 01:32:39:05

For the applicant. So we haven't got any problem with this. We understand the point and we will, um, tweak that wording. Very happy also to have input from Mr. Bedford, if that's if you wish to.

01:32:39:11 - 01:32:47:00

Take that as an action. Yeah. Thank you. Um, were there any other comments from, uh, East Suffolk Council?

01:32:55:09 - 01:32:57:17

Or from Thanet District Council?

01:33:00:10 - 01:33:01:27

No further comment. Thank you.

01:33:02:15 - 01:33:03:08

Thank you.

01:33:06:00 - 01:33:23:25

If we move on, then further to yesterday's discussion regarding noise levels, does the applicant have any comments on the need for a specific noise design parameter equivalent to requirement 12 two of the East Anglia one North DCO converter stations and substations to be secured by the sealing DCO?

01:33:26:03 - 01:33:30:21

Sorry for the applicant. Sorry we don't have our noise expert here today so we'll have to take that away.

01:33:30:23 - 01:33:31:23

Okay. Thank you.

01:33:34:24 - 01:33:41:25

And, um, did the local authorities or any other parties wish to comment on that point?

01:33:45:29 - 01:33:46:19

Okay.

01:33:50:13 - 01:34:11:07

Um, I had just one further question, which was around the discussion of cumulative noise controls. Uh, and we talked again about requirement 27 yesterday. Uh, did you want to add anything further regarding the need for a requirement that's consistent with requirement 27. I appreciate there's been quite a lot of preceding discussion about this point.

01:34:11:22 - 01:34:19:25

Yes, again, I think sorry for the applicant, I think so that's another matter that we'll just take away and add anything that we consider is necessary.

01:34:19:28 - 01:34:29:27

Okay. Thank you. Um, if there are no other questions, I'll just take a pause to confer with my colleague.

01:34:37:01 - 01:34:54:22

Thank you. So it's just coming up to 1:15. Will adjourn the meeting now for a lunch break until 2:00. Uh, for those of you watching on the live screen, uh, at the live stream, uh, please do remember to refresh your screens when you come back. Thank you.