



Hearing Transcript

Project:	Norwich to Tilbury
Hearing:	Issue Specific Hearing 1 (ISH1) - Part 4
Date:	28 April 2026

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Well, welcome back everybody. Um, we resuming this hearing. Uh, and we're starting on agenda item six, which is related to the draft development consent order. Um,

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we're using the most up to date version of the draft development consent order, which is rep 3004, uh, which was revision C issued on the 10th of April, 2026. Um, to be clear, this discussion about the draft of a consent order is just standard procedure. Uh, it's considered to be good practice. It does not indicate that the examining authority has made up its mind in regard to the application or its recommendation to the Secretary of State. Uh, nor does the fact that we are discussing the draft of an order development consent order affect the position of any interested party or affected person in relation to the proposal? Their position remains the same, regardless of their comments, until such time as they withdraw or change their comments formally.

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It's not intended to discuss all aspects in relation to the draft development order today. Some matters are being pursued through further rounds of written questions. However, I do have a number of matters I want to explore orally in respect to the draft DCO.

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We have a number of interested parties have indicated they have an interest in this agenda item. Active participation. Participation by interested parties at this issue. Specific hearing is at the discretion of the examining authority and subject to time constraints, and the examining authority's ability to control the hearing. That said, I'm proposing to bring people in at the article schedule or requirement. I wish to ask questions on um, and which will allow us to have a more focused approach in regard to those questions.

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Um, ones, articles, schedules and requirements. I'm not asking questions on today. If anybody has any questions or queries about them, uh, they can raise those at deadline for by putting them in writing and submitting them in the usual way.

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Uh, as I've said, we have a number of questions to cover. Some may appear to overlap, in which case we have, um, if we've adequately covered a question and answer to a question I'd like to want to ask. Uh, I'll try not to cover it again, and I'll move on rather than ask it twice. Uh, we need to endeavor to cover all our topics by the end of the session, which is 5:00 or as close to as we can get. Um, however, if we still have items to go through at the end of that time, we may choose to resume questioning.

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Uh, and for the following day, or decide to seek answers to the remaining questions in writing, either by issuing a rule 17 letter or leaving them to our second round of written questions.

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I anticipate getting through items or items 6.1 at 6.2 related to the articles and schedules, including schedule three requirements and schedule for discharging of requirements for the draft ACO. Um, we

our view is that that will take the substantial part of the remaining time today. Uh, and the last part of the agenda, we'll deal with the the other two items that remain are likely to take no more than about 30 minutes. So, uh, as I say, we'll be focusing on, uh, the articles and schedules primarily as per, uh, agenda item 616.1.

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Can I ask the applicant to provide us with a brief walkthrough of each part of the development consent order to provide, um, the members of the public, the interested parties and the affected persons? Uh, just a basic understanding of the power sought and the context for a context for today's discussion. It can be very light touch at high level. Um, but, um, if you'd like to say more, you could submit a full script of whatever you'd like to say at deadline for. That's very helpful. I shan't be doing it.

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Um, but my friend Sheridan will be doing it from CLP, who sits next to me but one. And I'm sure he's heard what you say about a light touch.

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Thank you very much. Um, as Mr. Harris says, the DCO is, um, it has historically said it's based on well-worn drafting. Um, the primary precedents for the order are the National Grid, Yorkshire Green Energy Enablement Projects, DC of 2024, and the National Grid Bradford to Twin Cities Reinforcement Order, also of 2024. So it's quite recent, but under the hood is basically the general model provisions. Um, in the infrastructure planning model provisions, uh, England and Wales Order 2009.

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And that in turn is based on the Transport and Works Act orders before that. So it's all quite long standing stuff. I'm going to provide just a headline. Summary, as you've asked, are the key provisions. I will only touch very lightly on boilerplate provisions. You'll be pleased to hear. I'm not going to go through all of the schedules line by line. They generally provide lists of information empowered by the parent articles. And of course, I'll be taking you through those parent articles and requirements and schedule three and the mechanism for discharge and schedule four for the next item.

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So part one is just just the preliminary provisions, just mechanics of bringing the order into legal force. Um, article two are just definitions which you may wish to touch upon, but I'm not going to take you through them in detail. So we come to part two, and those are the principal powers. That's the the meat of the order really. Article three grants development consent for the authorised development. The authorised development is spelled out in schedule one. So this is the core consenting provision necessary to authorize construction and operation of the works.

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But that's all subject to controls set out in the requirements in schedule three.

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Article four empowers the maintenance of the authorized development. It sets the scope for National Grid, UK, PM and UCP maintaining their works. Then there are the limits of deviation provisions in article five. Those set out the horizontal and vertical limits of deviation, which constrain the overhead and underground lines, and other permanent structures like the converter station enclosures and substations. And I believe you've been taken through that previously. Article six is pretty standard.

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Basically, section 156 of the Planning Act 2008 allows DCO to the development consent element to run with the land like a normal planning commission, but in roadshows of this nature that we override that. So the order powers are exercisable only by specified parties and specified circumstances, which he has. National grid UK pm a new Cop.

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Article seven is again pretty standard, and it provides for the transfer of DC powers with Secretary of State consent. But obviously the transfer is are subject to exactly the same restrictions, liabilities and obligations as the original person with the benefit. Article eight just sets out a number of, um, provisions from the Town and Country Planning Act 1990 and make sure that they work for the DCO regime. And so, for example, um, just a bit a couple when you have a temporary planning commission under the Town and Country Planning Act, once the temporary permission is over, um, you revert immediately to what the use was before.

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So this makes sure that works for the for the DCO temporary powers. Um, and also make sure that once one's built and operational, the land will be operational. Land for National grid.

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Article nine just spells out that the Community Infrastructure Levy is not payable on the authorized development, and that will be for a range of reasons. Uh, article ten, um, governs the interface between the DCO and other planning permissions, past and future and other dsos.

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Make sure there's a proper interface, and then we move on to part three, which are a series of highways, streets, powers. Article 11 is the equivalent of a nose or a licence. A new Roads and Street Works Act license for street works. Article 12 makes sure that the relevant traffic management permit schemes in the area apply to works under the order, and aligns them with the order.

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Article 13 sets out in the context that street works will be carried out. What parts of the new Roads and Street Works Act applied to the relevant street works? Article 14 sets out the power to alter the layout of streets permanently or temporarily in schedule six. And there you'll see that there's this kind of two tier system which is as old as the model provisions, which is the lists in the or in the schedules of the DCO. Those are authorized if the DCO is made, but there is scope for going to the local authorities within the confines of the DCO to to get further consents if needed.

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And it's a preemptive thing and pretty general. Article 15 enables the permanent stopping up of streets and public rights of way in schedule seven, with a two tier approach in case anything else, wherever needed. And article 16 is the equivalent, but for the temporary closure, alteration or diversion of streets and public rights of way. With consultation and consent requirements in that two tier system. Access to works is the equivalent as a list in schedule nine of locations where there will be permanent or temporary accesses, and that empowers that.

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Article 18 creates a the standard adoption mechanism, which has been around since the model provisions in 2009, and in Transport and Works Act orders historically beforehand for the altered, diverted or newly constructed streets under the DCO so they so that they can become maintainable at the public expense after they've been completed to the satisfaction of the street authority, the highway authority or the owner, basically, if different, after a 12 month maintenance period.

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And article 19 is

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a standard provision which enables agreements between national grid and street authorities, if they were to be carrying out any works that may or may not be proposed. But it's a pretty standard provision and obviously depends on the agreement between the parties. So it's always just included as a pre-emptive measure, which moves us on to part four supplemental powers. And article 20 allows discharge of water into sewers, watercourses or drains. But you need the owner or drainage body's consent and then they are included in the scope for appeals in the event of a dispute.

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Article 21 allows protective works to land buildings and structures likely to be affected by the authorized development, with a notice and counter notice mechanism and scope for arbitration. Where there is disagreement and there's a time limit of five years with compensation for loss and damage, which again, you'll see is a running theme through a lot of these provisions.

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Article 22 is a power to enter land affected by the authorized development to survey, monitor and investigate investigated with compensation. Compensation payable for loss or damage. Article 23 relates to the removal of human remains. Discovery of a body is a low probability, but it's a very high impact issue for delivering a linear scheme of this nature. So this consolidates a range of disparate statutory regimes into a single process to avoid the significant delays.

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Um, otherwise there'd be three overlapping legal regimes to follow.

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Which then moves us on to part five. And this basically CPO in temporary possession. Article 24 is the operative power authorizing compulsory acquisition by National grid of Order land. And looking at the land plans and the book of reference, article 25 is the equivalent not for the acquisition of land

as 24, but for the acquisition of rights by the creation of new rights and restrictive covenants over all the lands.

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Article 26 is, uh, again, there's a you'll see another theme, so I'll just touch on these. There are various powers to enable, um, the applicant to minimise land tax. So this one allows the acquiring only of subsoil or airspace without acquiring the whole parcel of land. And this is to ensure that you can acquire lesser interests than you would otherwise have to without that. Um. Article 27 is for the temporary use of land. Um, but it's the land set out in schedule 11, or order land, which can be code outright eventually.

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And the whole point of that is again, to enable the applicant to use, take temporary possession of the minimum land possible, um, in terms of just use and then work out exactly once they've established ground conditions and where they've laid apparatus, what they need to permanently acquire. So as part of that proportionality exercise,

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um, an article 28 is the equivalent power for UK pm. Um, article 29 is, uh, a power which allows the temporary entry and possession for maintenance purposes. Um compensation is payable. Um and that runs five years from the first operational use. And again that's a pretty standard power in terms of articles 30 to 37. These are basically boilerplate relating to the process for actually implementing the various compulsory acquisition powers.

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The only one uh, there that I would pull out is article 34, which sets out that the deadline for, um, acquiring land or entering land to take temporary possession of it only runs for seven years.

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Which brings us to article. Bear with me. 38.

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And that is where land or rights are compulsory acquired. This power cleanses the title that's been acquired in the usual way by extinguishing private rights and restrictive covenants, or suspending them where it's only temporary possession powers. And again, there is compensation payable on the terms of the compensation code in the usual way. Article 39 is you. I'm sure you'll be familiar with section 203 of the Housing and Planning Act 2016, you know, aimed at rights of light. Um, and that's imported as standard into dsos to override rights that could allow injunctive, uh, rights against the authorised developments.

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But obviously that gives rise to compensation. And the whole point there is not to unnecessarily extinguish rights completely.

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Article 40 is a related power that That is just there to clarify the relationship between the Planning Act's statutory nuisance provisions and land rights. And again, compensation is paid. The clarity is given that compensation is payable where land rights are interfered with. But that doesn't prevent the statutory nuisance defence of compliance with the DCO, etc..

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Article 41 um provides for where UK Pen or National Grid have removed their own apparatus after they've given up possession of the land. Um, their private rights and restrictive covenants are wiped. So this is really just to assist those who then the land is passed to.

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Article 42 is the standard crown rights provision. Um, and it's just what the Crown Estate requires. Article 43 um relates to special category uh land clarifying that where the DCO allows the acquisition of rights over that special category land. Um, those are discharged over the land to the extent that there is a conflict. Which brings us to part six. I'll just pause for a drink.

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And that's just miscellaneous in general. Further powers articles 44 to 46 are pretty standard form provisions for the interactions with statutory undertakers, but I won't really go into those because the reality, of course, is that, um, each will have their own preferred set of protected provisions, and protected provisions are now a very well understood science. And so those will override these powers in any event. And that's a matter between the parties. Article 47 again is boilerplate as old as the model provisions and is just included.

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Um, and that provides that should National Grid um ever lease part of the scheme to, to someone else. Normal landlord and tenant law doesn't really apply. It is, as the parties agree. Um, article 48 is about statutory nuisance again, and this makes sure that nuisance claims are assessed in the context that the project's construction events have been deemed acceptable on the terms of the requirements and other DCO terms. Article 49 is basically the equivalent of a traffic regulation order as part of the bundle of consents, um, approach the one stop shop of the DCO regime and that creates um largely temporary traffic regulation measures as per schedule 13, which relate to making construction safe, etc.

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and there are a handful of specific roads where speed restrictions or weighting restrictions will remain in place permanently. We then come to articles 50 and 51 which relate to trees powers.

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Um. The applicant will benefit from the power to fill and lock trees and hedgerows where it's necessary to prevent obstruction or interference with the authorized development or danger, and compensation is payable. Article 51 is broadly the equivalent, but relates to those trees subject to tree preservation orders listed in schedule 14 or after a certain cutoff date. Article 52 enables the temporary closure of the navigable River Stour within the Ord limits to allow completion of the relevant works safely, presumably because there are rights of navigation, so it requires topping up equivalent to a road in very broad terms.

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Article 53 allows the temporary interference with enclosure of specified access land in schedule 15 during construction, maintenance, and decommissioning of the works. Article 54 just brings into force the various protective provisions to parent power. 55 we're going to come on to that, I think later, which relates to the effectively the appeals process, which broadly mirrors a DCO version of discharging um.

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Planning conditions here. Requirements. Article 56 is a safeguarding provision. I think the first one was in 2012, in the Thames Tideway DCO, and more recently this provision has been in the Packington Fen, Yorkshire Green and BTN roadshows and that requires relevant planning authorities to consult National Grid before they grant permissions for developments within the order limits to safeguard operational integrity. It doesn't prevent them granting permission, but it creates a consultation obligation and they have to take into account the representations made by National Grid.

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Article 57 is a totally standard, um, no double recovery provision that I think is, again, as old as the model provisions. Article 58 enables the misapplication and modification of legislative provisions, basically, that the DCO itself already provides a bespoke and sufficient framework for governing the various activities under the DCO, and so it means that you have to supply them competing provisions in other statutes, the parallel statutory regimes.

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And that brings us that brings us to the amendment of local legislation. We go through an exercise of just identifying local legislation and bylaws, all set out in schedule 18, which could impede the project. And then you set out a list of what, um, the kinds of perhaps undiscovered local legislation and bylaws, and those get applied in the usual manner. That also is a pretty standard provision. We then come on to boiler plating. So I won't talk too much about the certification of documents, services of notices and arbitration.

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Arbitration is more about settling disputes under the protective provisions, as opposed to the consents which the discharge of conditions and requirements which which will be a matter for schedule four. And that brings me to the end of that overview, which I hope was

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all but brief.

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Thank you very much for that. It just just helps people get a general understanding of how these documents work. Um, so that, um, hopefully it is a little bit clearer because they're very technical. Uh, and it is a very dry subject as well. So thank you for that respectively. Swift run through that. Um,

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going to go through the articles and ask questions where I have questions in respect to the development consent order powers, uh, and secret responses where appropriate from the applicant,

local authorities and other interested parties with which to speak. Um, as I've already said, due to the number of questions, and the time constraints we have on us. Um, any other areas where we don't cover it today? If interested parties do have questions on those articles we're not covering, by all means put them into writing and submit them by deadline for the applicant will then have a chance to, or any other party will have a chance to respond to those by the next deadline after that, which is deadline five.

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Um.

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The other thing I would just say before I start asking questions is that, um, uh, the purpose of this issue specific hearing is, is not to discuss compulsory acquisition and temporary possession. That's subject to separate hearings, which are taking place tomorrow and on Thursday. Um, and to avoid repetition with things that will be asked in relation to those. So um, generally where we have large swathes of articles which deal with compulsory acquisition, I'm not intending to ask too many questions on those because that's going to be picked up potentially in the subsequent hearings by the other two inspectors that are covering that subject.

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So, um, just to start with, I've had a look at the the bit above the preliminary part, one preliminary section. I've got no questions with regard to that. Um, and, um, all I really need to ask is that, um, before I move on on general topics. Um, I've noted the applicant's response to first written questions. Development consent order one point a one uh, which related to, um, you seeking deemed consent in the event of determining, uh, in the event of a determining authority, failing to notify the undertaker of its decision within a defined number of days.

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Uh, however, the same article also sets out consent must not be unreasonably held, withheld or delayed. Um. I'm curious. Um, following your response. Um, basically, because I'm not persuaded that you need both elements. Um, can you explain to me again why you need to, uh, why you why you're seeking to have deem consent after five weeks where there's a failure to respond or no extension of time. You also need, um, the, the the element that says consent must not be unreasonably withheld or delayed.

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I mean, surely five weeks deemed consent is adequate.

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So, um, if I just asked, I share with them the trigger in terms of the question of of not delaying it. Um, that that really

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gives rise, I think, to moral force that the authority has a very simple matter. They shouldn't have to wait, I think, five weeks to determine the matter in each case. And the reality is there's no public benefit because the only thing open to the applicant to do is to appeal under schedule four. And so I

think it would it would probably just go to whether it had been reasonable behavior to wait so long to determine something so simple. And so for that matter, the position of the applicant is there's no reason not to include the unreasonably delayed in terms of unreasonably withholding approval.

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I think what we have to remember is a DCO covers different things from from what would in the normal town and country planning regime be different elements. And so schedule four, you don't really need to say not to unreasonably withhold or delay, because it's understood that when it goes to the section of state to determine on appeal that they're looking at planning merits. But in but throughout the DCO these are effectively consents are being asked at the highway authority to discharge water.

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And so historically these would have been matters of arbitration. And so you have to set, I think, some kind of test for the Secretary of State to be looking at that. The parties have to have behaved reasonably in that context because it's not a planning matter necessarily. It will be a highways technical matter or it'll be, you know, can you come onto this piece of land at this time? And so I think that is the position of the applicant. And that is why I would say it should be included.

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So so are you saying that, um.

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I want to put this into a frame of words where I'm not putting words in your mouth. Um, are you trying to say that the unreasonable delay might come where the local authority issues a decision, which is a refusal, for example, because they're just trying to delay? Is that is that where you're coming from?

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If they refuse, then, um, it's not a delay because you go straight to appeal, should you wish to. I respect that it's a nuanced point, but because under the order, if they have, let's say they've taken, um, for four weeks and they've refused. And this is where you're right. Actually, they've refused that. They've taken four weeks of something that really was very straightforward. And it's just seen as a delaying tactic how much things would happen. But um, but but then when it comes to an appeal, when it comes to costs, we would say that has been unreasonable behaviour.

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It was unnecessary to do that. Um, and so I think that would be a reason to, to include it, but there's no public benefit to including that provision because in tactical terms, all the applicant can do is appeal. We wouldn't be empowered if they'd taken four weeks to look at something very simple to say, you know what? Um, we're we're going to appeal before the five weeks are up because you have unreasonably withheld. So it's I think it's for that reason.

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Okay. So I'm going to ask open that response up to the local authorities. There's there's no public benefit by keeping that paragraph in. Can I get your views on that please. Um, whoever wants to go

first. Yes, sir. Thank you. Um, Mark, would you. Essex County council. Um, I've listened to the comments that have been received from across the other side of the table, and I actually have to fundamentally disagree with what's been said here. Um, obviously Essex County Council or the local highway authority.

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So on dsos that are consented, we have to discharge certain requirements as, as are set out in the timetables that are set out in the various DCMS that there are, and they're all slightly different, but there is a public need to get highway access, right, because it's a matter of public safety and amenity of road users, you know, and this is a two way street. You know, we we rely on the submission of good documentation, which is well evidenced from the applicant to make a positive decision.

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Looking at another example of a DCO, which is very close to this, which is also a submission from National Grid, and this is the brand that the twin said development consent order. What we find is that we receive multiple submissions from the applicant on numerous points of access. So what actually happens in practice is those access points are put together in clusters, and the submissions are made on maybe the basis of 1 or 2 access points, for example, where a whole road crosses a rural highway network.

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The problem is, of course, that we require evidence to support the fact that these accesses are safe and on the rural highway network, with very little monitoring of road stones and traffic numbers. We asked for road safety audits for the most part. So we're very much dependent upon the applicant for submitting what they need to submit for us to, for us to be able to respond positively. Essex County Council does not use the discharge of requirements as a blocker for the applicants, and that I cannot support that statement that's been made.

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We acknowledge the fact that these are nationally significant, and it's in the nation's significant. It's in the nation's interest that we get these things across the line and built and implemented. But we are not going to do that at the risk of highway safety and residential amenity. But clearly, what happens on the example that I've just given you is that we receive multiple discharges requirements usually clustered together, which is fine.

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We received them. We go to the local highway office. They come back with comments. We give those comments back to the applicant. In this case it's grid. We negotiate a slight extension of time for the discharge of requirements to enable them to come back to us with a scheme that we've already said we need these comments on before we approve it, and we negotiate on that basis. We don't just refuse things because we're running out of time. It's all about a relationship.

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It's all about a two way process and keeping that together. So we would only refuse something if we were absolutely forced to do so, because obviously after 30 in in the case of Brampton, it's 35 days.

After 35 days, they get, um, automatic consent. Yeah. But what happens if there's an accident on the road? There's a fatality on the road. There's an injuries that cannot so happen.

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Yeah, I understand that. Does. Does any other authority want to add anything to what has just been said? Yes.

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Thank you sir. Michael Bedford uh, Suffolk County Council, uh, we would, uh, echo and endorse those comments from Essex County Council. Uh, in terms of the, um, practicalities of the process. Uh, we also share your concern that it's an unnecessary provision to have both a deemed consent arrangement and also an imposition on the authorities of not unreasonably withholding or delaying consent.

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It's not needed. And if it's not needed, it shouldn't be there. It also adds uncertainty and an element of imprecision. Uh, Because of what the process means, so I'm not sure to what extent the panel has been keeping abreast of the progress of the Sealink examination. In terms of any of the detail, I'm sure you're aware of the generality, but it's if I can just publicly draw your attention in case it's not yet registered with you.

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On the 17th of April of this year, 2026, that panel issued its schedule of recommended changes to the uh, uh, the development consent order for that project, which is obviously also a project, as you know, being promoted by National Grid. And there are a number of similarities in the drafting of the various provisions. And they too had effectively the same duplication of approach of both deemed consent and not unreasonably withheld, etc.

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the panel's view was that that should not be maintained, and their recommendation in terms of their schedule of changes is to remove this clause. So you may well be aware there are some separate issues about this whole process in terms of the time limits, but I think that's a different topic to your initial question. So if we just stay on your initial question, we would say it's not justified for the applicant to have both of these measures. We can certainly see a circumstance where if the period for approval is sufficient, and that that is the point I want to come back to in a later question.

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Then having a deemed consent at the end of that period is something that we can work to. Um, I would also echo and again, we'll come on to it on some of the other, uh, issues, the practical experience of discharge of consent on Branford instead. Has thus one not been an entirely happy story in terms of the way that things have worked? So albeit it can be quoted as a precedent because it's a made order. We also think that if one is going to refer to it as a precedent, one ought to take into account what I might call the lived experience of that made order.

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And also we'll come on to that on some of your other topics. Thank you sir.

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Um, I've read all of the submissions that you've mentioned, and I've noted all of those points. Um, before today's hearing, in any event. Um, so thank you for those. Um, does any other interested party want to say about anything about, um, the matter that we're discussing here at this point in time? In that case, I'm sorry. Yes, sorry. James Ryan, Colchester City council. Um, with regards to the. If you look through the requirements, I'm sure you have, there aren't really any that simple.

00:35:52:14 - 00:36:33:09

So there are none that LPs are going to be withholding permission or approval for, um, just because we wanted to delay the project, which we absolutely don't ever want to do. They're complicated matters on an extremely long and enormous site area, DCO area schemes. So they take we still get a very limited amount of time to discharge them, even in, um, the best of our ability. So. Okay. All right. Thank you very much. Uh, coming back to the applicant to do a response to that, please, if you would like to you don't have to add a response, but do you have any comments on what you've heard, sir? Question for the applicant.

00:36:33:11 - 00:37:06:18

Um, I thought I might come in here. Just talk about something related, but slightly different. Um, there are a number of, um, planning performance agreements in place for the authorities. Um, some of the comments we heard earlier, which we obviously take on board, seem to me to be driving partly at resourcing. So there are PPAs in place and they will continue to be in place for the discharge of requirements. So I fully understand and hearing the comments made about the timing, but that's not really what the question was about. It was about the words and reasonable delay and deemed consent.

00:37:06:20 - 00:37:46:07

I think all of the points again made are heard and accepted that where there are safety concerns and matters of that importance, quite clearly it would be unreasonable. So it would be reasonable. Forgive me. It would be reasonable to take as long as you needed, and therefore it'd be, you know, not impossible to show anything about unreasonableness. The reasons it's needed is all for the things that no one is talking about that we don't know about. So that's why the if you like, the backstop is there. But I do also hear the point about these things are complicated. They take the time they'll take. So it's it's it is necessary, I say, for the things that no one is currently contemplating because we can't because we haven't got to that stage.

00:37:46:18 - 00:38:18:01

It is only in those extreme circumstances would it become necessary. Um, the other thing is, I think there was reference to the ceiling. Um, um, experiences. Um, you know, there's nothing, I think, in the moment, in the examination about that. And as for the BTO, um, discharge requirements, again, if I may respectfully say, don't think anything in the examination about the experiences. Um, I think, um, you know, we're happy to take away some information and respond to that, but at the moment, we're just going by what the BN order says itself on requirements.

00:38:18:29 - 00:38:19:14

Okay.

00:38:19:16 - 00:38:20:01

Thank you. And sorry.

00:38:20:03 - 00:38:44:01

Could I could I also add if there is a complex matter the applicant isn't going to jump to appeal. That in itself is an expensive and time consuming process throughout the DCO whenever there is this deemed provision. It provides specifically that an extension can be agreed, and clearly it would be in the interests of the applicant to agree that, as well as having established proper resourcing arrangements so that these things can be properly dealt with.

00:38:44:06 - 00:38:45:20

Okay. That's understood.

00:38:46:00 - 00:39:01:04

I'm sorry, sir, I apologize for interrupting as you're about to move on. I'm just conscious. And it may be the way the light is falling and I've only referred to it. There are some online parties who wanted to contribute on this matter from the local authorities. Yeah.

00:39:01:22 - 00:39:02:11

All right.

00:39:02:23 - 00:39:04:05

Um, sorry.

00:39:04:07 - 00:39:04:23

I hadn't.

00:39:04:25 - 00:39:08:21

Spotted that because, as you're right, the light was falling across the screen earlier, and I can.

00:39:08:23 - 00:39:09:08

Actually.

00:39:09:10 - 00:39:09:25

See it.

00:39:09:27 - 00:39:10:12

Now.

00:39:10:14 - 00:39:10:29

So, um.

00:39:11:10 - 00:39:11:25

Is it.

00:39:12:03 - 00:39:12:18

Is our.

00:39:12:20 - 00:39:13:06

First one?

00:39:13:23 - 00:39:14:14

Yeah.

00:39:14:22 - 00:39:44:24

Yes. Um, thank you sir. So just wanted to comment on the previous question. Rishi Parekh, sorry for, um, Norfolk County. Um, just wanted to endorse formally what was already said by Essex and Suffolk County councils. We take the same approach. We have the same concerns. Um, that that Mr. Bedford outlined. And, um, just in terms of the deemed consent specifically, of course, we've made submissions on that as well. Um, in terms of the appropriate timing, but we can come on to time. No doubt will come on the timing in due course. Thank you.

00:39:45:03 - 00:39:52:07

Okay. Uh, and then I've got Ike as the second one on the list.

00:39:52:17 - 00:40:27:27

Thank you sir. Um, Estelle de Haan for Essex County Council. Uh, just to endorse what Mr. Bedford said about the specific drafting point that you were asking about, sir. The issue about the periods will return to later just to pick up those. Something that the applicant said in response about the kind of lived experience on the discharge of the, uh, previous dose and saying that there's not material before the examination on that. That absolutely is material before the examination on that is that's a point that I think has raised in almost every single written document that it's put forward, but we'll revert to that.

00:40:27:29 - 00:40:28:21

Thank you.

00:40:29:05 - 00:40:34:07

Thank you. And then BCC is the final one I've got on the list. Thank you.

00:40:35:05 - 00:41:06:17

Thank you Sir Brian Curtis for Mid Suffolk District Council and baby district council. Um, just to endorse the comments of other colleagues from the local authorities and not to not to go over those again, but just to point out that the experience of delivering the Bramford Swinson project has not been without concern on our side. The quality of submissions from National Grid. So is it within your gift, recognising the scope for lessons learned from that project? The fact that you are making decision based on the Rochdale principle with limits of deviation.

00:41:06:19 - 00:41:39:05

The potential for impacts on the communities without due consideration, with appropriate time given to the matters that are reserved by requirement. Could could be critical and could be very impactful for those communities. So it's a really important part of the process. And that's why the authorities are

asking for the time to consider that. But we're also asking that the applicant and the essay consider the imposition of requiring a certain standard of submission at discharge of requirement. We have the provision in the DCO to request additional information.

00:41:39:07 - 00:42:02:17

Those are quite short windows. But if we know that there is a certain amount of information including the transparency of the documents that are being relied on, management plans, documents that are in the in the submission at this stage as well. That makes it a lot quicker and easier for us to do. It also makes compliance monitoring and enforcement. Hopefully we don't have to deal with, but it makes that much easier. Thank you.

00:42:03:19 - 00:42:22:00

Thank you. Um, I've got a question just for the applicant. You mentioned protective sorry, not protective planning performance agreements, PPAs. Um, are they existing PPAs in relation to other projects that you're talking about, or are they planning performance agreements related to this project?

00:42:22:25 - 00:42:35:20

Kristian Drayton, applicant I was referring to for this project. So PPA is in place with a vast majority of the relevant authorities. Um, there is a list. We can resubmit that.

00:42:37:26 - 00:42:39:14

I'll just check if anything else to add to that.

00:42:43:23 - 00:43:06:05

And I've just been reminded the set that's currently in place, the way they're defined, it is quite standard. They cover up to the decision, whichever, whichever way they may go, obviously. And if it's a grant you, then it's quite standard practice. You sort of replicate them through to the next stage after discharge requirements. So. So to be clear, the agreements currently in place are up to the decision date.

00:43:06:23 - 00:43:23:24

I understand that, um, I mean, in terms of the points that were made by a number of the councils about the quality of submission, um, obviously that would be post consent, um, in any subsequent planning performance agreement. Would that be something that you would ordinarily include in a planning performance agreement?

00:43:33:16 - 00:44:05:20

Sarah Jones for the applicant, um, we wouldn't typically include include anything relating to the quality of a submission in a planning performance agreement. But the applicant is, as we mentioned in our submissions to date, hoping to engage in a significant round of pre-application consultation with the local planning authorities. We have recently issued, in parallel to this examination, a draft and proposed ways of working for discharge of requirements, which is currently with the local authorities for consultation.

00:44:05:24 - 00:44:42:21

The intention is that we will then continue discussions to inform the agreed approach between us all, as far as we can get with as many authorities, and to discharging the requirements. That will then inform the scope of the PPA to enable the adequate costings for the delivery phase of the PPAs and to inform that document. We've also accompanied it with a draft written scheme of stages that relates to requirement three, to try and provide some understanding of the peaks and troughs of the submissions and the likely resourcing.

00:44:42:23 - 00:44:55:10

Obviously it's still in draft, and the staging may potentially change because the main work's contractor is just picking up the detailed design phase of the project. But that's where we're at to inform planning performance agreements.

00:44:56:21 - 00:45:36:24

And I mean, I, I should say I have a little bit of sympathy with the local authorities with regard to the limited amount of time that they have to respond, um, prior to having to seek either an extension of time or issue a decision on the application, uh, for the discharge of the requirement. Um, that said, I do recognise that, uh, it the date, the 35 days was in the standard provisions. Um, and, um, I'm aware that, um, you know, it it tends to be the default position for most development consent orders when they're issued.

00:45:37:02 - 00:46:08:26

Um, so it is really important, from a local authority point of view, to have the right level of information submitted at the discharge point when it first comes in, without having to come back to the applicant, because that just builds in more delay. Um, so if that can be dealt with either through, um, some form of mitigation within the Code of construction practice or within the planning performance agreement, which I think is probably the better route.

00:46:09:11 - 00:46:44:22

Um, then then I would urge you to look at that. Um, but I would want some sort of reassurance from you as to what you are doing in that terms. Um, albeit that it might be post consent. Um, assuming that the development consent order is made. Okay. Um, whilst we're on this subject, we might as well cover the, the, the, the period, uh, of the Over 35 days and having listened to local authorities, you clearly want to say stuff about the the amount of time.

00:46:44:24 - 00:47:17:03

I mean, I've just given you my view on that with regard to the Standard Model provisions and with regard to sort of the precedent from previous development consent orders. And I've also given you some indication that I have some sympathy with you because, you know, I understand where you're coming from. Um, that said, this is your opportunity now to say you think about 35 days in terms of discharge or seek an extension of time beyond what you've already said. So I did have something later on, but as we're already covering it, we might as well do it now.

00:47:17:05 - 00:47:17:20

So.

00:47:17:28 - 00:47:53:14

Sir. Thank you. Um, Brian Michael Bedford, Suffolk County Council. So we have rehearsed matters, and I'll try not to repeat any of those matters. Um, there is a point which I think we are probably agnostic on, but are leaning towards the way the applicant is approaching time limits, which is to redefine it instead of simply days to business days. And that obviously would be Mondays to Fridays, excluding weekends and excluding bank holidays.

00:47:53:23 - 00:48:45:28

So, um, the reason for starting with that point is it then makes a difference when you start talking about whatever the time period is. Yeah. And I say we've seen that the applicant has generally been moving to business days in the drafting of this DCO. And I say we're sort of agnostic on that, but leaning towards seeing that that is being a sensible way forward. It then does impact when you're drawing comparisons to other orders which don't use that, uh, um, period. Uh, if I can refer back again to Sealink, where a very similar debate, uh, was played out in that Termination, which is also a critical national infrastructure project, also subject to the desire to see it in place by 2030 and so and so promoted by National Grid, so effectively the same pressures there.

00:48:46:00 - 00:49:37:00

The examining authority having heard in that case the various arguments, have been persuaded that the position put by the authorities of a 56 day period would be the appropriate period to allow for discharge of various requirements. And that in particular in terms of their commentary, reflected that in the particular case of Suffolk, which I know that sometimes we've referred to ourselves as Energy Coast or DCO central, as it were, there is a preponderance of development consent orders, either approved in the discharge Stage or being proposed and likely to be in the discharge stage, overlapping with this project coming on stream.

00:49:37:02 - 00:50:07:27

Obviously, you've heard a lot about that in some of the environmental topics. Uh, if, uh, the 56 days, uh, was, uh, as it were, a sensible way through the process in relation to the circumstances in Suffolk. And we think it certainly is converting that into the business days. I think it comes down to it would be a period of 40 business days would be the same as 56 days, because obviously you take out all of the weekends.

00:50:08:13 - 00:50:30:27

And so I think if we would be saying you either go for 56 days, which would put it on a par with Sealink, or you put it into business days and you go for 40 days, but the reasons are the ones we've already rehearsed in some of those earlier representations and which have found favour with the your fellow colleague panel dealing with the project.

00:50:30:29 - 00:50:31:14

Okay.

00:50:32:03 - 00:50:37:21

Anybody else from the local authorities want to say anything? Yes. Thank you. Yes,

00:50:39:16 - 00:50:40:04

sir.

00:50:40:07 - 00:50:41:19

Mark Wood County Council.

00:50:41:21 - 00:50:46:13

I was just going to draw your attention to the fact you've got some speakers online, so I'll default to those. Yeah. Okay.

00:50:46:17 - 00:50:52:01

So, um, our first speaker online is Ek, please. Thank you for that.

00:50:53:17 - 00:51:27:19

Sir. Thank you. Thank you, Mr. Widget. Estelle de Haan, King's counsel for, um, Essex County Council. Um, if I may, I'll address the kind of general matter that Mr. Bedford just addressed, and then I'll hand over to Mr. Woodrow, actually, uh, to to carry on the point. Um, so on the business days question, I think Essex County Council has been asking the applicant to shift consistently to business days across the DCO. So we're very pleased to see that. And we understand that. The upshot of that is that the applicant has amended the various periods to reflect the fact that it's now business days are not day days.

00:51:28:10 - 00:52:25:15

But we would therefore ask, and we endorse what Mr. Bedford has just said on behalf of Suffolk. Um, for the main discharge period for requirements to be 40 business days, um, not the current proposed period. Uh, and it's partly for the same sort of reason in that Essex is, uh, there's a concentration of dsos, um, within Essex. That's one difficulty. Um, and then the other difficulty is, as has been alluded to, that the, the lived experience with Branford to, to instead has indicated that actually the, the more sensible approach for everybody would be to recognise the 40 day business period, business day period up front because that just, um, prevents there having to be a kind of backwards and forwards alongside the process of agreeing extensions of time, which have become regular and everybody's recognised that they are there, starting to be required.

00:52:25:17 - 00:52:39:07

But rather than spend time agreeing extensions, it's better to just get on and and spend your 40 business days looking at what needs to be decided. So I'll hand over now, if I may, to, Mr. Butcher, just to explain what's been happening in practice.

00:52:42:29 - 00:53:27:03

Thank you, sir. Mark Wood County Council. Um, there's been a lot of discussion around the table this afternoon about the variances between Dsos and the issue. About 35 days has been used as a as the default option, but it's not the only option. Um, recently, the five Estuaries development consent order was granted. And you remember that that's one of the proposals that feeds into the East Anglian Connection Network. And that was we talked about this morning in terms of a noise protocol in, in, in that DCO, the period given for us to determine DLS is eight weeks, which is the 40 working days, as um, Astellas just pointed out.

00:53:27:18 - 00:53:55:08

Secondly, um, I'd just like to thank the applicant for their tacit agreement of providing us with the PPA for the discharge requirements, which you look forward to discussing with them, because this will be necessary. The work that we're doing here is done, um, with no fee attached to it. It takes a significant amount of resource to even look at, for example, one highway access in terms of its safety, in its construction. We need that in place. Thank you.

00:53:56:08 - 00:54:02:02

Uh, online, I have J.R.. Have you got anything to add over and above what you've already heard? Please.

00:54:03:08 - 00:54:38:01

Hello there. It's Julie Russell on behalf of National Highways. Um, I just wanted to add that we support the submissions for a longer determination period. Um, and from the, uh, from national Highways perspective, I just wanted to draw attention to the further information part of the Discharge of Requirements schedule, which talks about if further information is required. Um, there's a period, um, in consultation with a um, relevant consultation of five days.

00:54:38:09 - 00:54:54:09

Um, appreciate this isn't necessarily on the 56 days, about 40 business days period. But our, um, submission is that five days. Were National Highways required to be consulted is just simply not enough time.

00:54:54:13 - 00:54:54:28

Um.

00:54:55:10 - 00:55:05:10

We're going to come to schedule four eventually. Um, and we can discuss that then if we need to. Um, but I think the applicant's getting the message, so thank you very much.

00:55:05:12 - 00:55:05:27

That's fine.

00:55:05:29 - 00:55:08:05

Thank you. Is there anything else you wanted to add?

00:55:08:22 - 00:55:09:09

No.

00:55:09:21 - 00:55:15:17

Okay. Thank you. Perfect. Um, I've got R.P. still on the line, please.

00:55:17:25 - 00:55:19:13

Might be a legacy hand.

00:55:22:21 - 00:55:24:24

So not coming on screen.

00:55:27:19 - 00:55:30:19

In that case, if I can ask to remove that. There you go.

00:55:30:21 - 00:56:06:01

Sorry. Sorry. So my just great timing. My internet dropped off. Um, but for Norfolk County. So don't want to repeat things that have been said. We endorse everything that's been said by the other councils. Just if I could just add two points. Um, in particular one, we just note that the, the, the time period that's being provided is shorter than that in, um, advice node 15, appendix one, and if that were followed, obviously would be 42 days or 30 business days. Um, and then in any event, we don't think that there's convincing justification for the shorter period.

00:56:06:03 - 00:56:16:06

We, um, Norfolk County have also referred to other precedents for projects where there has been the 56 days, um, in our written reps, which I won't repeat.

00:56:16:18 - 00:56:49:29

Thank you. I have read those in the in the submissions you've already made, but thank you for raising it again. Thank you very much. Um, I'm going to come back to the applicant. Um, just in terms of, um, I think I'd like to know a bit more about, um, perhaps what's been agreed on the Sealink proposal. Um, because, I mean, I know you're not the the applicant team for that particular application, but I'm assuming you talk to each other in National Grid. So, um, if if Sealink have agreed to that and I haven't.

00:56:50:01 - 00:57:40:25

They haven't. Right. No, I mean, it's been sold as if they have. Um, that is a recommendation that followed on a process such as this. And we don't know. You don't know what the nature of the arguments were or the differences in the projects were. Um, Sealink um have not agreed that. And I rather doubt the Secretary of State will agree for the reasons I'm coming to shortly. Um, I have a submission on, uh, the need for blanket restrictions or blanket extensions, which aren't justified by the evidence, but I thought I'd raise that perhaps more appropriately when we're dealing with, um, the requirements and in particular the requirements relating to working days.

00:57:40:28 - 00:58:16:01

But it's the same thing about the cost of delay to the public purse and the cost of delay to the public benefit. Um, what I'd say about the submissions I've just heard is that there ought to be, because of the urgency of getting this project in everybody's interests. Um, away. There ought to be a very clear and specific justification for extra delay, even in the determination of the, um, the, the, uh, requirements, the discharge of the increments.

00:58:16:07 - 00:59:06:06

Um, it's it's easy enough to say that 40 business days is a better metric, and it is for the local authority, and it is for an ability to discharge the requirements. But 40 business days is still 56 days. It's still 56 days added on to the process potentially. And if you give 56 days, that's then the starting point from which the local authority can then say, oh, we'd like some more. In this case, it's not as if the matters that be coming before the local authority are coming to them for the first time, they've got, and that is

the purpose of their being draft, um, documentation of the type we discussed this morning, which they have already, uh, will already have agreed.

00:59:06:08 - 00:59:39:16

And then the subsequent documentation and reserve matters equivalents will be going in, which has to be in in broad compliance with that. There are also PPE, which mean that there will be very significant, um, consultation, negotiation and discussion on matters prior to application. So it doesn't start just 40 business days before the application comes in. It starts way, way, way before that. Um, in my submission, there needs really to be a proper justification for these sorts of extensions.

00:59:39:18 - 01:00:10:05

All I've heard so far is that, well, we've got a lot of work on. I'm not sure we got enough finance. We must get it right. Well, we agree with that last one, but that doesn't need a blanket extension to 56 days for every single, um, application on the detail if there is the need to get it right, which is a justified need to get it right, there is a power in the order to extend the time. And that's why we say what happened in Aetna, which did and was properly argued and was properly agreed.

01:00:10:07 - 01:00:42:21

And we can give you the references, um, uh, in particular, the rejection of the 56 days put forward by Maloney and Mr. Bedford. Uh, after very considerable consideration. Um, we'll put all that in writing. But my underlying position, um, on this and in, uh, in terms of core working hours, is there needs to be an evidential justification from stepping away from what's reasonable, because in it will become the norm. The norm will become 56 days delay.

01:00:43:11 - 01:00:44:09

I understand your point.

01:00:45:06 - 01:00:46:03

Mr. Harris.

01:00:46:06 - 01:00:47:11

Um, if you.

01:00:47:13 - 01:00:53:14

Could put your response in writing with your evidence base, um, to, to justify your position and also the.

01:00:53:16 - 01:00:54:05

Position as you.

01:00:54:07 - 01:01:11:00

Understand it with regard to the Sealink proposal. I'd be very grateful. Yes. Um, I think this will be revisited, um, probably in second written questions or even in the June hearings. So, um, I don't think this is the end of the matter, but, um, Unless there's anything else you want to say.

01:01:11:02 - 01:01:44:03

Well, sir. Sir Michael Bedford, Suffolk County council. I don't think I said. And if I do did say it, I certainly didn't intend to said, I don't think I said the applicant had agreed to the period of 56 days. What I said was, having had all of the same arguments, including the argument Melanie Friend has just raised about the cost of delay, including the argument about there will be planning performance agreements to resource local authorities. All of those arguments are not new to this case.

01:01:44:08 - 01:02:19:24

They were rehearsed at Sealink and the. Your fellow panel, having heard those arguments, has reached a conclusion it recently has reached. So. So we will provide you with a little bit more information about the information that was provided to the ceiling panel. We will also provide you with some more information on our actual experience of trying to operate the controls under the Bramford to Twin stead order, which is effectively the applicant's high watermark case because they've got what they wanted.

01:02:19:26 - 01:02:28:29

But we know that it's not working. So we'll provide you with that. And obviously, as you say, it may well feature in further written questions from you on on this topic. Thank you sir.

01:02:29:01 - 01:02:38:07

Mr. Bedford, just so you know, I have read all the evidence you've submitted already and I fully understand what you're saying. So so you don't need to over labour the point but additional.

01:02:38:14 - 01:02:54:07

Yeah I apologize if I wasn't clear. So what I was going to say is we will make sure we provide you with the additional information, i.e. things that we've not already said about Sealink and or things that we've not already said about Branford, twin said. Rather than repeating what we've said to you.

01:02:54:09 - 01:02:58:07

Okay, I've got a signal on line of BC.

01:02:59:15 - 01:03:41:03

So thank you, sir. Brian Curtis for Mid Suffolk District Council and maybe District council, just to add to what was saying there, there are five local authorities that are in the room on the call for this project who are working on Branford, twin said. If Suffolk County Council were amenable, might I suggest that the local authorities work together to provide you reflections on our experience on Branford Twins did, but also just to go back to the point that I made earlier and that we have touched on in our, um, response to excuse one, our rep Rep 3089 the point of validation that the A asked about, uh, we have been suggesting to grid as part of our validation checklist.

01:03:41:05 - 01:04:04:13

It is within your gift to provide that within the DCO, as there is in other, um, development orders to so that whilst we recognize the constraints on the local authorities in terms of resourcing, etcetera, that Mr. Harris has just said, there are also things within the control of National Grid to make their submission better so that we don't have to ask for more information and therefore faster for us to process and consider.

01:04:04:25 - 01:04:06:25

Thank you. Thank you very much.

01:04:08:12 - 01:04:11:17

Mr. Harris, do you want to come back on anything you've heard on the move on.

01:04:13:15 - 01:04:46:00

Mr. Harris, as you've said, um, surely the the the examining authority must proceed on the basis that the, um, applications which are made are made adequately and appropriately, and in those circumstances, choose an appropriate time for, um, those to be determined in in the event that the applications are made sloppily, then the council have available the extra time. That is what it is there for, among other reasons.

01:04:46:25 - 01:05:17:22

Um, if you can't make a set of rules for a critically, nationally important project on the basis that the applicant will put in sloppy and inadequate, um, applications. It has to be on the basis that the applications duly made appropriately made, which can't be said unreasonably to require more information are put in on the date they put in. And then there is a reasonable time for the local authority to deal with it in that context.

01:05:17:29 - 01:05:48:23

Understood. Mr. Harris, I wasn't suggesting that you had any intention of making sloppy applications. Um, but it is obviously something that is vexing the local authorities. So it's right that it said, um, I'm going to move on from this. I think it's had adequate airing. Um, clearly, you know, there's a list of things that, um, you're going to respond to on that, including with regard to how you could potentially deal with the validation issue that's been raised. So, um, I'm going to move on.

01:05:48:26 - 01:06:15:02

Um, interestingly, um, my next one I was moving on to was interpretations under article two, and we just covered business days. So I don't think we need to cover that again unless anybody else wants to say anything about business days specifically, um, I was just going to ask local authorities for their views on the use of business days. But I think there there seemed to be a favorable response to that. Does anybody want to say anything on business days?

01:06:16:18 - 01:06:32:23

Nope. Moving on. Right. Fine. Maintain under article two. Uh, applicant's response to um first written questions DCO 1.87 is noted, especially where it reiterates that um.

01:06:34:25 - 01:07:05:11

They have a transmission. They're a transmission license holder and have a statutory duty to maintain their apparatus. Um, the examining authority would like to know, in the light of the applicant's response, whether the county council's or the local authorities wish to comment in response to the applicant's response to a seventh DCO 1.87. So if not, you're welcome to put anything you want in response in writing by deadline for.

01:07:05:21 - 01:07:06:06

Yes.

01:07:08:15 - 01:07:26:10

Sir Mike Bedford, Suffolk County Council I think we will simply reflect on that if there is anything to add. But obviously we've noted what the applicant has said, and also we can see that it's not intended to include any matters that would fall outside the scope of the environmental statement. And that's obviously a welcome safeguard.

01:07:28:02 - 01:08:03:20

Um, I've not got anything further to ask with regard to articles 3 or 4, but article five is limits of deviation. Um, Mr. Hockley stole my thunder earlier on. Um, with regard to Thurrock airfield. Um, and limits of deviation, where you'd indicated that you had an either AWD scheme. Um, and I think there was a general suggestion that you would, would fall back to, um, the lower height pylons. Can I just confirm that? That's correct. In the light of the Secretary State's dismissal of and refusal of planning permission of the Thurrock airfield application.

01:08:15:03 - 01:08:21:29

Russell Harris KC I'm hearing that that assumption is the starting position. And unless you hear from us otherwise, that will be the position.

01:08:22:01 - 01:08:36:19

Okay. Just just in terms of how you're going to deal with that within the, um, article five or in any of the requirements. Is that something that you're going to specify within the document?

01:08:36:21 - 01:08:49:05

Sorry, sir. Question for the applicant. Yes. We'll take it away to find the best place for it. Um, it could be either in the requirement itself or in the commitments register. So we will we will work that one through and confirm that in writing.

01:08:49:09 - 01:08:58:21

My recollection is there is something already in either the limited deviation or elsewhere within the document. I'm certain I've read something which restricts two areas of pylons.

01:08:58:28 - 01:09:11:14

There are areas. It's Christian. The applicant is TB 2382243. There are some specific restrictions in there. So you could hence you could do it either way. But we'd need to just run it through to check the consequences. Exactly.

01:09:11:16 - 01:09:19:08

That's that's fine. I mean obviously there is a period of appeal in relation to that decision. Um, so, um.

01:09:22:27 - 01:09:49:10

We'll have to wait and see what happens. Um, I'm not asking any questions about the benefits of the order, which is article six or the article seven consents to transfer the benefit of the ordinance. They're all pretty standard fare, I'm afraid. Um, article eight, which application of the 1990 act and article nine

application of the Community Infrastructure Levy Regulations 2010? Again, I haven't got anything to ask on that, so I'm moving if anybody does.

01:09:49:12 - 01:10:00:09

Sorry. Can I interrupt? It's Louise Staples here from the NFU. Yep. Could I raise something? And going back on to article five limits of deviation, please?

01:10:00:18 - 01:10:01:07

Yep.

01:10:02:09 - 01:10:22:00

Uh, so, yeah. Sorry. Um, Louise Staples, on behalf of NFU members impacted. Um, it was just in regard to, um, it's five point uh d one it's in regard to, um, underground cables. They've stated here in the DCO that they're only really looking to keep, um,

01:10:23:15 - 01:10:41:20

the distance between the top of the protective tile and the cable duct and the top of the finished ground level is at 0.9. Um, and we've been requesting that, that that is actually 1.2m and that they only go to 0.9 if there's engineering reasons to do so.

01:10:45:27 - 01:10:50:12

Mr. Harris, is the applicant able to respond to that or is that something you will respond to in writing?

01:10:50:26 - 01:10:52:00

I think the latter.

01:10:52:07 - 01:10:52:29

Okay.

01:10:53:05 - 01:10:53:20

Forgive me.

01:10:53:22 - 01:10:54:12

Thank you.

01:10:54:19 - 01:10:56:04

Thank you very much for asking.

01:10:59:18 - 01:11:37:21

Uh, as I was saying, I've had nothing on article eight or article nine, so I'm going to move on to article ten, um, which is planning permission and other consents. Uh, in response to our first written questions at DCO 1.8, a team, uh, the applicant proposed, uh, advised that the purpose of article ten two, uh, is to ensure that where a planning commission or development consent order is granted and implemented lawfully, but is inconsistent with the power contained in the order, if made, that inconsistency is no longer taken to trigger the principles of the Hillside Park Limited.

01:11:38:18 - 01:12:15:18

Firstly, Snowdonia National Park Authority 2022 UK c 30 uh, which would render that planning Commission or development consent order, incapable of physical implementation, and could potentially sterilize the land. The applicant goes on to advise that it therefore follows that in relation to that particular inconsistency, no enforcement action should be permitted for a breach in terms of the DCO or for continuation of a planning Commission that is inconsistent with the development authorized by the DCO if made.

01:12:16:09 - 01:13:02:22

Um, that has provided for within article ten to be um. The applicant has also explained that article ten three ensures that any inconsistency would prevent the applicant from exercising its powers under the DCO if made. Um, can the applicant explain what power in the planning Act it is relying on to effectively discharge or exclude a judgment from the UK Supreme Court? Uh, in the draft DCO I'm just going to suggest perhaps it might be section 25 C, which states an order granted development consent may include any provision that the Secretary of State considers necessary or expedient for giving full effect to an end to another provision or order, or any other section within the act.

01:13:03:05 - 01:13:04:01

Mr. Harris.

01:13:04:03 - 01:13:41:23

But that's the question and the answer. All in one go. Right. That is exactly it. And it's to avoid the unintended consequences of the Supreme Court decision in hillside, which many at the planning bar think is a bit barking. But there it is. And what it would mean if it weren't for that is if an physically inconsistent planning permission anywhere along the line were to be granted. The potential consequence of that would be that insofar as we hadn't built out, we'd be um, uh, stopped from doing so, which clearly wouldn't fit with the parliamentary intent, um, behind the DCO legislation.

01:13:41:25 - 01:14:02:07

And it's for that very reason that that provision exists, in effect, effective supply. Case law where it doesn't fit with the intention of Parliament. And remember, this is it's in the form of an Act of Parliament. Just echo. Yeah. So, um, I'm, I think you've you've you've asked the question. I'd answered it yourself.

01:14:02:09 - 01:14:11:00

Yes. I just wanted to make sure my understanding of the position was correct. So does anybody else have anything that they wanted to ask with regard to article ten?

01:14:11:24 - 01:14:17:25

And we aren't the first ones to think of it, because it's been included in a number of post hillside echoes.

01:14:17:27 - 01:14:50:12

Yes, I appreciate that. Thank you. Getting no indication in the room or online. So I'm going to move on to my next question, which is in relation to street works, um, National highways, Essex County

Council, Suffolk County Council, Norfolk County, sorry, Norwich County Council and Thurrock County Council. I should say Norfolk County Council. Sorry, I apologize for that. Thurrock Council all considered that there should be no blanket, um, approval for street works outside the order limits, and that such works should be subject to new normal rules.

01:14:50:21 - 01:15:32:10

Um, we note the response of the applicant to our first written question on DCO 1.8 20, where it revised. It had incorporated draft protective provisions into the draft DCO and has engaged with the relevant authorities with regard to these provisions. And I also note that the highways authorities are seeking Joint Highways Framework Agreements in relation to this, in lieu of protective provisions. Um, will the Joint Highways Framework Agreement resolve the concerns of the relevant highways authorities in regard to the blanket approval of street works outside the order limits? Can I ask the relevant county councils and the highways authorities to respond, please?

01:15:33:18 - 01:16:05:02

Mr. Michael Bedford, Suffolk County Council If a separate agreement is concluded, then yes, it's likely that the terms of that would enable the reassurance that the authorities want. But the problem, obviously, is at the moment that such an agreement hasn't been concluded. Certainly, past experience tends to suggest that that's one of the things that often doesn't get concluded during your examination, even if it might have negotiations following on during the decision period.

01:16:05:04 - 01:16:45:25

And so clearly, you need to approach the drafting of whatever you recommend to the Secretary of State on the basis there is no such agreement. And it's on that, as it were, a premise that we've expressed, the concerns that we have expressed and the reasons for that. There are also, as we've seen in those representations, concerns about the time limits. There's also a point which I just briefly mentioned, but I hope it's a resolvable point, is the articulation of whether there should be express reference, where consents are given to the power to impose Conditions on those consents, and I think that's probably a nuance of drafting, but we think it's necessary.

01:16:45:27 - 01:17:04:09

The applicant thinks it's implicit, but I think we're probably on the same page. We just need to finalize that. But on the basic point of principle, yes, an agreement, if it's satisfactory to concluded, could answer the problems. But there isn't one at the moment and you can't at the moment assume there will be.

01:17:04:17 - 01:17:15:13

Okay, before I come back to the applicant. Is there anybody else from a local? Sorry, a county authority? Highways authority that wishes to raise anything? I've got EQ online.

01:17:18:09 - 01:17:23:13

So thank you. Yesterday on four Essex County Council, we endorsed the submissions just made.

01:17:26:03 - 01:17:42:00

Sienna had no other indications. I'm going to ask Mr. Harris if he wants to respond to that too, at all. Is there any indication of progress with regard to either protective provisions in relation to that, this particular item or a highway side agreement.

01:17:42:04 - 01:18:05:12

I'm Christian Drage, the applicant. The discussions are ongoing. Um, colleagues have been in touch with the authorities. I'm. I'm not on the detail of where exactly the progress is, so we'll perhaps report back. But there's the there's not a principal disagreement here. It's about what parties are, can and can't reach in the time scale. And of course, that's where the order comes into, if you like, filled gap. Um.

01:18:06:16 - 01:18:19:26

Okay. Um, obviously it makes things more difficult to report to the Secretary of State in the absence of the information. So, um, the more information we've got or the completion of an agreement or a protective provision would be extremely helpful.

01:18:19:28 - 01:18:39:07

Oh, we would, we would anticipate, um, and we'll confirm that particular deadline we think is a sensible one, but it's probably deadline five for an update and also covering the protective provisions side of it as well. That sort of would be about right in the normal sort of timescale of the DCO like this that would be given for the report alongside other authorities, not just highways as well.

01:18:39:22 - 01:19:00:09

I mean, these these things have a tendency to have a nasty habit of working their way right to the back of the end of the DCO process. And, um, you know, either don't get resolved by the close of the examination or, um, or are resolved the day of the close of the examination, and I'd prefer to avoid that if at all possible.

01:19:00:13 - 01:19:22:10

Chris. Jason. Applicant so would I, because I've had that pain. Um, and, um, at your request, I believe there is a state, uh, tracker of statutory undertaker, and there's agreement, uh, in play that's got the latest update of further version of that is going in at deadline for and we'll keep updating it. And that is absolutely the intention that there'll nothing be left anywhere near the end.

01:19:22:12 - 01:19:29:22

Fine. All right. Okay. In that case, unless anybody else has anything to add, I'm going to move on to my next question. Um,

01:19:31:22 - 01:19:40:17

article 12 is the application of a permit scheme. This is a very simple question. Can the applicant confirm whether or not this will apply to National highways?

01:19:45:24 - 01:19:55:14

Just so you know, there they are objecting to their inclusion as being involved with this or party to it or required to act on it. Um.

01:19:57:00 - 01:20:26:04

And Anthony James for the applicant. So the National Highways does not have its own permit scheme. We will we will apply the permit schemes operated by the local authorities. Um, where there is an interface with national highways. The permit schemes will also apply. National highways has its own system for booking road space, which we will follow, and we have had some early engagement with them on that matter.

01:20:27:20 - 01:20:33:12

As National Highways wish to respond at all. You don't have to, but if you would like to. It's your opportunity.

01:20:36:02 - 01:20:40:17

Julie Russell, on behalf of the National Highway, is know nothing to add at this stage. Thank you sir.

01:20:40:24 - 01:20:44:05

Thank you very much. Any other interested party on this matter?

01:20:45:25 - 01:20:54:15

In that case, um, applicant doesn't need a final right to reply because nobody else has said anything. So I'm going to move on unless you want to speak. Um.

01:21:01:00 - 01:21:02:29

So I'm just looking at my next question.

01:21:09:01 - 01:21:29:17

I'm going to move on to, um, article 13, which is the application of the 9001 act. Uh, National Highways has objected to the automatic dis application, whilst Suffolk County Council have raised concerns about the extent of this application, as set out in article 133 and article 13 for um.

01:21:32:08 - 01:21:46:04

Can either National Highways and or Suffolk County Council confirm whether they consider the concerns have been adequately resolved through, or can be adequately resolved through protective provisions? Um, Mr. Bedford, you're in the room. Do you want to respond first?

01:21:47:03 - 01:21:55:10

Michael Bedford, Suffolk County Council The answer would be in principle, yes, they are capable of being resolved, but it goes back to the same point that we were just talking about a moment ago.

01:21:56:11 - 01:21:59:26

So National Highways, have you got anything to add at all?

01:22:01:08 - 01:22:25:02

Uh, Julie Russell, on behalf of National Highways. Uh, no. Nothing. Uh, thank you, sir, just only to say that we are progressing discussions with the applicant in relation to protective provisions. Uh, they are capable of being resolved, but we are not there yet. Um, but we are continuing with those discussions, and we can provide an update at further deadline.

01:22:25:22 - 01:23:07:20

Okay. That's perfect. Thank you very much. Uh. there's anybody else who's got anything on article 13? I'm going to move on to my next question, which is related to article 14 powers to alter layouts, etc. of streets. Um, we've noted the submissions of both National Highways Suffolk County Council, Norfolk County Council and Thurrock Council, uh, as well as the applicants response uh, in our to our first written questions at DCO 1.823 uh which relates to county and local authorities seeking notification, uh as the relevant local authority in relation to articles 141 and 171.

01:23:08:01 - 01:23:50:12

Um, in response to this, the applicant is advised that notification of any works would become disproportionately onerous on the applicant, uh, along the entire route of the project. And it also adds that the administrative load, uh, that it would add to each relevant street authority would be Excessive. For this reason, the applicant does not consider that it's appropriate or practical to, um, practical in circumstances for this project. Um. However, the examining authority remains concerned with regard to article 141 being too loose without any pre commencement agreement, without any consent or pre agreement with the applicant.

01:23:50:14 - 01:23:58:11

Like to respond to that concern about article 141 being too loose without consent or pre agreement at all pleas.

01:24:03:23 - 01:24:04:10

For the applicant

01:24:06:05 - 01:24:38:19

from a drafting point of view. The information is all set out in the schedule and the actual manner in which the works are being undertaken is in column two. That's schedule six, parts one on 1 or 2 of schedule six of the order. So I think all the information and that's quite standard. And I think in the discussion this is where my information will come to an end. But the information, the discussions between the authorities and the technical side in terms of engagement and indeed the same common ground, will go through those lists and determine if there's any particular issues.

01:24:38:21 - 01:24:56:12

And of course, if there are, that's where the various control documents come in. So it's only in relation to the order lands and the the streets listed in there. It's not a blanket any street. Right. That's where instead where 1402 would come in and where all of those sort of three requirements you mentioned are all set out in there.

01:24:56:14 - 01:25:08:12

Okay. That's fine. Thank you very much for that explanation. Do any of the highways authorities or Highways England want to National highways, I should say so. That's old school.

01:25:10:05 - 01:25:46:05

Well so obviously you've Michael Suffolk County Council, you've seen what we've already said about that. But one needs to bear in mind that this power in 141 includes altering effectively what would be

the the highway street network on a permanent basis. And it then becomes the responsibility of the highway authority or the street authority to maintain that arrangement. Post the construction of the works. And so you're imposing an obligation on a public body, which may well have cost implications, but without their say so, as it were.

01:25:46:07 - 01:25:48:29

So that's that's actually part of the picture.

01:25:50:16 - 01:25:52:14

Yeah. I'd like to respond at all.

01:25:58:05 - 01:26:08:08

And Schragger for the applicant, I'd only point out that the Highway Authority um that works carried out the street works carried out have to be to its satisfaction before it adopts them.

01:26:09:05 - 01:26:14:28

Okay. Understood. Thank you very much. Does anybody else want to raise anything on this particular item?

01:26:16:22 - 01:26:18:11

Okay. So I'm going to move on.

01:26:21:16 - 01:26:48:13

So article 15, which is the permanent stopping up of streets and public rights of way. Uh, article 16 temporary closure of streets and public rights of way in article 17 access to works. They all take a similar vein, uh, in that, um, we note submissions of various highways or highways and local authorities, um, in their view of raised concerns. Um.

01:26:51:09 - 01:27:23:15

The first one is the permanent stopping up of streets and public rights of way should be subject to consent. Second point that was being made was the temporary closure of streets, and public rights of way should be subject to consent or at the very least, consultation. And three, that the access to work should be should need consent of the relevant Highways authority. Um, can the applicant advise whether it's going to be able to resolve these concerns and clarify them through, uh, adequately dealing with protective Provisions. I think this goes to the same thing Mr.

01:27:23:17 - 01:27:25:03

Bedford said in the past.

01:27:37:03 - 01:28:12:23

For the applicant. This is the approach that's been taken. I think pretty much every single DCO since the model provisions, there is a two tier approach. There is what is before the examination now for which the highway authorities are very important statutory consultees and that has been approved. Now should the DCO be made. Um, for um the secondary powers effectively a sweeper again included in every dco uh where if something has been missed out or is just later needed, then the

application is made in the usual way, but under the aegis of the DCO and subject to the appeal process, the unreasonably withheld delayed, uh, matter later on.

01:28:12:28 - 01:28:23:24

Um, and I think that that that there is no scope for further approvals in the secondary tier. approval is needed straight up. But in the primary tier, that is the purpose of this forum.

01:28:25:12 - 01:28:29:25

Do any of the highways authorities or county authorities wish to say anything?

01:28:31:09 - 01:28:33:29

I think we'd only be repeating what we've said before.

01:28:34:02 - 01:28:36:21

I did mention that, so thank you.

01:28:43:07 - 01:29:01:25

In terms of article 19, which relates to agreement of streets authorities, um, can I ask the applicant, um, how works will be maintained if authorities do not wish to adopt the works undertaken? How is that going to be dealt with in the draft? Eco.

01:29:04:18 - 01:29:35:23

Sorry if it shows in for the applicant. I think you're talking about talking about 18, which is the standard mechanism for the automatic adoption. If the highway authorities content that works have been carried out to their satisfaction. And the fact of the matter is they need to be done to their satisfaction. Or we would have to appeal that if if there was a dispute and otherwise. I think until that point, it's, um, I think we would be responsible for it. Um, in terms and unless I misheard, did you mention article 19?

01:29:35:25 - 01:29:37:00

I did, but it was an error.

01:29:37:12 - 01:29:58:12

Thank you. Because I was I was going to say article 19 is it's the kind of a shadow two, seven, eight mechanism, which I think is unlikely to be used and is rarely used, but is always included because it relates to the agreement of the parties. And that's if, um, the applicant asks one of the authorities to carry out works on its behalf. It's like a reverse 278. So my answer for 18 stands no.

01:29:58:14 - 01:30:21:28

The reference to article 19 was a typing error on my part. It was just working too late last night. So, um, article 23 I want to move on to now, which is the removal of human remains. Um, a noted, Um in Suffolk County Council's Local Impact Report deadline one. Um.

01:30:22:15 - 01:30:24:24

I'm really sorry. Can I interrupt again?

01:30:25:01 - 01:30:27:15

Yes, sure. Hello? Hello?

01:30:28:03 - 01:30:34:21

Uh, it's Louis Staples for the nephew. I just wanted to raise something in regard to the surveys. Uh, on article 22.

01:30:35:10 - 01:30:37:08

All right. Okay. What would you like to know?

01:30:37:15 - 01:31:13:02

Um, this might have been raised in the last year, and I wasn't there, so I apologize if it has. Um, but obviously the wording at the moment in the first, um, sentence says all land, which may be affected by authorized development. I was wondering whether that could be narrowed down, because otherwise National Grid again is say, any land could be affected and there'll be wanting to carry out surveys anywhere on farms. Then secondly, at 20 TB, the wording actually includes land and any buildings.

01:31:13:04 - 01:31:23:06

And that's not normal. Normally buildings are not stated, so I'm not quite sure why. Buildings are necessary and what surveys they're going to want to be carrying out in buildings.

01:31:24:24 - 01:31:43:17

But also then at 20 2d they've got after archaeological investigations, they've got an monitoring on land. And again, it's not normal to be including and monitoring on land if equipment is left for monitoring. That has quite a big interference because it's normally left there for quite some time. Thank you.

01:31:43:24 - 01:31:52:17

Thank you, Mr. Staples. Um, in terms of those questions, Mr. Harris, um, would it be appropriate to respond in writing?

01:31:52:19 - 01:32:07:28

I think so, but National Grid going on to land and related to National Grid would be outside of its statutory duties, and it would be acting ultra virus. And as for buildings, but go into buildings, for example, and need to be surveyed. Otherwise we're committing criminal offences.

01:32:08:07 - 01:32:09:16

Okay. Understood.

01:32:09:22 - 01:32:11:09

But we will respond more fully.

01:32:11:11 - 01:32:32:12

Okay. Thank you very much. Um, obviously there is the explanatory memorandum that goes along with the development consent order. Um, I'd need to go back and reread the explanatory

memorandum to see if it answered any of the points you raised, Mrs. Staples, but I'm sure, um, Mr. Harris and his team will respond to your questions specifically at deadline for. Thank you.

01:32:35:27 - 01:33:06:16

Um, article 23, um, removal of human remains. Um, Suffolk County Council's local impact report raised this issue um, through its Archaeological Service survey. Um, and advised that whilst there are no records of human remains or burial sites within the old limits in Suffolk, it's not uncommon for human remains to be encountered, uh, during those archaeological field works, and especially with the projects of this size and scale. Um.

01:33:08:28 - 01:33:31:21

Noted that, Suffolk County Council's Archaeological Service considered that article 23 conflicted with the archaeological best practice, and this was highlighted. Um, and I made suggestions as to how that article should be amended, with the applicant responding at first written questions. DCO a 1.28 um,

01:33:33:16 - 01:33:57:15

where they advised the proposed amendments, introduced uncertainty due to imprecise drafting, for example. It's unclear what is meant by a best practice document. Um, they ask questions as to and they ask questions as to, uh, a burial license would be necessary to give. Given the procedure set out in article 23 of the draft DCO. Um. However,

01:33:59:11 - 01:34:29:24

it also stated it appreciated Suffolk County Council's archaeological services concerns and advised it was willing to amend the wording in paragraph 13 to. To add in each case, in accordance with the applicable terms of any relevant written scheme of investigation approved under paragraph five. Archaeological Archaeology of Schedule three requirements unless the Secretary of State directs otherwise. Is Suffolk County Council able to comment at all on that response?

01:34:30:19 - 01:35:23:03

So I think we will, um, be commenting fully on that response at deadline four. But the short point, the point of principle, which is that we don't think that there's a justified need for this, and it does, uh, run the risk of inconsistencies with the proper protection of archaeological remains. And we note and again, we'll pick this up in the post submission, exactly the same debate was played out at Sea Link, and the Sea Link Examining Authority have recommended the removal of the equivalent of article 23 from that proposed DCO, for precisely the reason that there are no known burial grounds on the route of those works, and therefore it should be regulated under the archaeological regime rather than via this particular article.

01:35:23:17 - 01:35:34:18

And so we think the same really applies to Norwich, to Tilbury so far as it affects archaeological, sorry, archaeological resources within Suffolk.

01:35:34:29 - 01:35:57:06

Thank you very much, Mr. Bedford. I mean, I have read the applicant's response on this, especially in regard to their comments about the, um, the extent of discussion in the DCO. Um, so I don't need you

to repeat that, but is there anything you wanted to respond to beyond, um, what Mr. Bedford? Or in response to what Mr. Bedford had said?

01:35:59:22 - 01:36:25:02

I share with the applicant apologies. I, I was involved in that, um, examination. I know that was one of the very few where these arguments were actually rehearsed, rather than the messages being dismissed at the Secretary of State level, um, with without regard to the arguments. We don't have anything further to add that sets out the, you know, the, the, the low probability, the medium sized probability and the highest impact if it occurs.

01:36:25:06 - 01:36:33:24

Okay. I look forward to Suffolk County Council's response at deadline for. So thank you. Does anybody else want to add anything with regard to archaeology.

01:36:35:19 - 01:37:03:28

Okay. The the next suite of articles are all sort of boilerplate standard um, model provision articles. And I've got no intention to ask any specific questions about them. Um, so that's relation to articles 24 through 233. Um, has anybody got any burning desire to ask anything about any of those articles, Mrs. staples.

01:37:05:24 - 01:37:48:00

Thank you. Yes. Louis Staples for the NFU members impacted its in regard to article 27 temporary use of land. Um I see that the notice period at two has only been stated at 14 days. And we would request that, uh. Landowners and farmers are going to need at least three months notice. And National Grid will know when they're going to need to take temporary possession so they can could give longer than 14 days notice, which isn't going to allow for any, uh, differences to be made on a farm if they only get given 14 days notice.

01:37:51:00 - 01:38:00:04

Right. Okay. Understood. So I was just looking up that specific point, uh, within the document. Thank you very much. Thank you.

01:38:02:28 - 01:38:10:19

Mr. Harris, if you'd like to respond. You're welcome to. But if you wanted to follow up in writing, you're entirely welcome to do that as well.

01:38:10:21 - 01:38:12:14

We'll do that. Thank you. Thank you.

01:38:13:22 - 01:38:24:18

Okay. So in that case, I'm going to move on to article 34, which is time limit of exercise of authority to acquire land and rights compulsorily compulsorily. Um.

01:38:33:19 - 01:38:50:24

Just to remind you of the the content of my question. Uh, article 443 onwards allows for a period specified in article 341 to be extended in the event of proceedings of a challenge to the order, if made. Um.

01:38:54:10 - 01:39:21:25

Article 344 provides that the time period for the exercise of the compulsory axis acquisition powers is either extended by the period equivalent to the period beginning with the day of the proceedings being filed, or the end of the day they are finally determined or withdrawn, or, if shorter, which is BLM, this this particular article, uh, if shorter one year. Um.

01:39:24:09 - 01:39:38:17

My question on this was if if limbo applies and it's shorter than one year, does this give you a it gives you another year on top of the the period to to extend the consent by. Is that correct?

01:39:40:24 - 01:40:13:16

That's a challenge. Yes yes yes. I think that the thought process being that if there's a judicial review that, um, is appealed on multiple occasions, so permission is not granted, is renewed. The Court of Appeal grants, permission, and then it goes back to the first instance and there's a rolled up hearing. And so it's an assumption that if you're going to make an exception for a challenge, that it's likely to be longer than a year, but you get a year in any event, right?

01:40:13:18 - 01:40:43:26

Okay. So if it is less than a year, um, why why is it extended by a year? So so for example, the Court of Appeal chucks it out and and the proceedings are all very swift. And, um, any challenge to that Court of Appeal decision to not consider the papers, um, is unsuccessful. And then it goes to the High Court. And that's still within a year, which is unlikely. I do accept that. Um, why should it be not the period within the year? So say say it took eight months. Why should it not be just eight months?

01:40:43:28 - 01:41:25:01

Because when the RET arrives, there's then an incredible amount of uncertainty, right, for all parties. And, uh, what you don't want to do is to have to serve documents under that period of uncertainty. So once the judicial review is launched, then at least you've got the certainty that you've got one year. While the judicial review is being fought and by Lara, negotiations and other things happening in order to make those, um, uh, things which are, um, very, very, um, significantly important to the future of the project.

01:41:25:03 - 01:41:40:17

So, for example, if, if you if you hadn't done it, if you hadn't acquired the land and it was critically important because you're concentrating elsewhere and there was so much uncertainty, at least when the judicial review was made, you've got another year and you know that I think.

01:41:40:19 - 01:42:10:11

Sorry, share and trigger for the applicant. Could I add a couple of points? I my reading of it is, is that to the extent that there has been a challenge that does eat into your year and that, you know, these things are not always dismissed as quickly as, as as Hoped, but also promoters. This is not specific to this applicant or you know, but generally people don't carry out development at risk and and teams get

demobilized, contractors get demobilized. It takes a long time to get things back up and running. And my guess is that that is exactly what that is going to.

01:42:10:13 - 01:42:17:05

Do, right? Okay. That that makes more sense actually. So so it makes sense to me. So, uh. All right.

01:42:17:07 - 01:42:18:16

It was what I meant.

01:42:18:20 - 01:42:19:05

Really

01:42:21:00 - 01:42:30:23

was why do you need a whole year? Um, and I think that answers it succinctly for me. Um, does anybody else have any points that they want to make with regard to the year extension?

01:42:31:06 - 01:42:37:17

So, so not on the year. There is a separate point on this article I'd like to make briefly, but not on the year point.

01:42:37:19 - 01:42:41:02

Okay. So on the wider point, Mr. Pepper, what would you like to say?

01:42:41:04 - 01:43:22:02

So our concern was in terms of, um, article 341, which is the period of seven years for the exercise of compulsory purchase powers, whereas the general practice has been a period of five years. Uh, obviously we've been, um, told repeatedly about the priority of the applicant to make progress with this project. And so we are struggling at the moment to understand why there needs to be an extended period of seven years from the making of any order, particularly because the point you've just been discussing with Mr.

01:43:22:04 - 01:43:39:15

Harris builds in that protection for the legal process. As I said, we don't take any issue with that protection. It's with the the base period. And from our point of view, particularly in terms of spatial planning and generally thinking about the long term of the area,

01:43:41:08 - 01:44:09:03

a DCO, which effectively has not been implemented, and sitting around with compulsory purchase powers potentially has an effect of creating certainty, uncertainty and in some cases blight on the areas of land that are subject of these potential powers. And whilst we absolutely accept that there needs to be a period, it shouldn't really be any longer than is necessary, and we haven't seen an adequate explanation as to why a seven year period is necessary.

01:44:10:27 - 01:44:14:03

That's something you're picking up in your deadline for submissions.

01:44:14:05 - 01:44:17:22

I'm assuming we'll be covered in the deadline for submission. So yes.

01:44:18:26 - 01:44:28:14

Fairly sure. I asked a question about the seven year period in article 34, in our first written questions. I might be wrong on that. It might be something I'm storing up for you, but, um, I,

01:44:30:08 - 01:44:36:02

I would appreciate having a look at your question or your points in writing at deadline four.

01:44:36:27 - 01:45:20:06

So I think it has been rehearsed already. I think in some of the earlier exchanges, the applicant has given an explanation by reference to two of the offshore wind farms where the Secretary of State did accept a seven year period, but those were in circumstances where there was genuine uncertainty about whether they could proceed or not, because they were subject to the bidding rounds of contracts for a difference which an offshore wind farm needs to have in place. That doesn't apply to an energy project such as this project, which I say the applicant is being keen to stress its commitment to it, and therefore I say we don't see those circumstances as comparable and we're still waiting really for a good explanation.

01:45:20:08 - 01:45:23:14

But we'll cover that in the, um, deadline for.

01:45:23:18 - 01:45:28:17

Mr. Harris. Is there anything you wanted to say at this point now in response to that? Well, I think we best.

01:45:28:19 - 01:45:29:07

Wait to see.

01:45:29:09 - 01:45:30:27

What they're actually going to say.

01:45:30:29 - 01:45:31:15

I would say.

01:45:32:21 - 01:46:06:11

Okay, it's understood in that case, I'm going to move on. Um, and I have nothing on any of the articles between articles 35 and 48, because, again, they're all standards. Pretty standard stuff that I've seen and read before. Um, in terms of article 49 traffic regulations, um, National Highways is objected to this power allowing the undertaker to prohibit certain specific activities without consent.

01:46:06:22 - 01:46:11:23

Uh, additionally, uh, another local authority has commented um.

01:46:14:27 - 01:46:34:04

Consultation is necessary with the authorities. Um, is the applicant able to advise whether this is able to be resolved, um, with those authorities or whether or not, um, they can be resolved through protective provisions? This goes back to previous questions. Really?

01:46:35:04 - 01:47:02:12

Um, Christian Drage for the applicant. I think, um, part of the answer is what Mr. Trager mentioned earlier about the two tier approach. Yes. Um, and we have made that point in our written submissions. I think the other point is that the discussions are ongoing, as you would expect with a major stakeholder such as National Highways, in relation to various points, including this one. So I think it's probably best to wait for the boost to progress, and we'll report on that P4. All right.

01:47:02:23 - 01:47:08:17

Does anybody else want to raise anything with regard to article 49 traffic regulations?

01:47:10:21 - 01:47:34:11

No indication in the room and nothing on the line. Um, so I haven't got anything I need to specifically ask in this hearing with regard to anything from articles 50 through to 62, which takes us to the end of the articles. But does anybody else want to raise anything with regard to those specific articles, either in the room or in line nine?

01:47:36:02 - 01:47:37:23

MW online.

01:47:42:02 - 01:48:25:26

Thank you sir. So it's Monica Glass on behalf of the Low Thames Crossing project. I just wanted to, um, flag that in relation to, um, article 59. That's amendment of local legislation. Yeah, we we anticipate that we, um, that the applicant will need to make some amendments to that based on the Lower Thames Crossing DCO. Um, we've shared that drafting with the applicant. So that's being discussed. But just um, so you're aware it's in relation to ensuring that the LTC can comply with its own DCO to make sure that, um, all the environmental measures are, um, appropriately incorporated.

01:48:26:09 - 01:48:35:15

Um, and we're quite happy to share that drafting with the examining authority. Once we've had a bit more of a discussion with the applicant. So just wanted to flag that for you.

01:48:36:00 - 01:48:44:00

That's fine. And I had read that in the submissions that the applicant has made, that they were in negotiations with you with regard to those issues. Thank you very much.

01:48:44:29 - 01:49:15:23

Um, so can I just. Sorry, Michael. Both the Suffolk County Council, uh, just make a brief point, which we'll cover in the deadline for submission. We do have a concern about article 50 and its interaction with important hedgerows, which are subject to the Hedgerows Regulations 1997. And we think that more needs to be done to justify the inclusion of important hedgerows within this power, without further protections. But we'll cover that in the written submission.

01:49:15:25 - 01:49:19:15

It's quite a it's quite a detailed point in terms of the, the issue.

01:49:20:18 - 01:49:35:02

I mean, the fact I've skipped all over a lot of these articles doesn't mean I'm not interested in what is going on outside of the hearings. Um, because clearly I'm following all of the different debates from all of the different, um.

01:49:37:11 - 01:50:01:24

County and local authorities and other people are making submissions in regard to this. It's just that I don't want to actually specifically ask questions about that particular item here, but I understand what you're making. I'll look forward to reading your deadline for submission. Um, I'm going to move on. Um, so in terms of schedules, uh, authorized development, um.

01:50:06:17 - 01:50:41:13

I don't have any questions on that. I don't have any questions on schedule two, schedule three, and schedule four. We're coming back to shortly. I don't have any questions on schedule five, six, seven, eight. These are all standard lists in the back of the document. Schedule nine. Schedule ten. Schedule 11. I don't have any question on schedule 12, although I note that you're going to be infilling that schedule, um, with, um, With something you do explain.

01:50:41:15 - 01:51:24:11

But I won't talk about that here. But you have said you're going to reuse that schedule. Um, I don't want to ask anything about traffic regulation orders in schedule 13 or 3. Subject to preservation orders in 14. Or temporary suspension of public access to land. Uh, in terms of protective provisions, I wanted to thank you for the document that you've already referenced, which was the statutory undertakers list, um, which indicates the applicant is negotiating protective provisions with a significant number of interested parties, um, and that they will be added to the draft DCO at various stages, with the majority being added at deadline seven.

01:51:24:25 - 01:52:04:09

Um, I have a list of everybody you've, you've quoted, um, and there's a significant number, but, um, I just wanted to raise a, just a general concern about the further into the process that you submit these, the less time people have to respond to them and the more urgently they seem to become from my past experience. So the earlier you can get the drafting in to the documents so people can comment that the more helpful it is to the examination and indeed to the other parties that are subject to agree in these protective provisions with you so that they can respond to them.

01:52:04:28 - 01:52:39:21

So if at all possible, I'd like to see them submitted into the draft DCO earlier than you're indicating, because the 7th of July really doesn't give very much time for people to respond when they're seeing these things. For the first time in the document, um, in the examination runs till 10th of August. So, um, that's one month and three days. So if at all possible, can I put a general request out there that they, um, they're dealt with sooner than later and put into the draft TCO.

01:52:40:03 - 01:52:43:01

Does anybody else want to say anything about protective provisions?

01:52:45:02 - 01:52:46:04

No indication.

01:52:46:06 - 01:53:16:22

So if I may, just the question for the applicant. Um, uh, noted, sir, and I absolutely agree to that. We endeavored to put them in once they're agreed. Um, but there comes a point when if there's a divergence, we'll put them in and then open them up. But the idea is that they are and they are indeed being discussed at length and detail, if you like, offline. Um, so when they're agreed, they then go in. Um, that's why we thought deadline seven was a good target for all agreement by then. But I note your point that if things are left and agreed, then we've got to make a point of make sure there's enough time.

01:53:16:28 - 01:53:47:04

Yes. It's just I've worked on projects in the past where I've had a significant number of protective provisions that aren't agreed at the close of the examination, and then you're juggling as to what you should do with them. Should you go with the alternative version being suggested by the other party, or do you go with the applicant's version to what I mean. If you have to make a recommendation to the Secretary of State one way or the other, and the earlier we can get these resolved, the better and the earlier the other parties can see comments and suggest alternatives, the easier is for the examining authority.

01:53:47:29 - 01:53:50:28

Commissioner. Applicant. Yes. Absolutely no. Thank you. Thank you.

01:53:51:06 - 01:53:51:25

Um,

01:53:53:19 - 01:53:59:21

in terms of protective provisions and other side and side and other related agreements, um,

01:54:01:15 - 01:54:26:01

I noted that, um, five estuaries and no falls both have their individual protection provisions. Uh, I've also noted that um, five estuaries have, um, confirmed that they're satisfied with the protective provisions, but I've not seen anything from North Falls. Um, is the applicant able to enlighten us with regard to to whether that protective protective provision is agreed.

01:54:26:03 - 01:54:39:01

For it's or Kristin Jason applicant link it back to the point I just made. Um, So not not signed but but I'd say, you know agreed. But not not quite signed off. When they are, they go in and we're very close.

01:54:39:03 - 01:54:40:04

Right. Okay.

01:54:40:06 - 01:54:46:16

Um, I'm afraid I can't confirm the actual date now, but if we can't put them in at deadline for. We'll confirm the date via the tracker.

01:54:46:18 - 01:54:57:09

If if we can have a confirmation from North Falls. Um, as and when they've agreed it, I would be grateful as well. So that we're getting it from both parties as opposed to just one sided.

01:54:57:11 - 01:55:01:03

Thank you sir. We'll we'll liaise with them on that if they're not on the call already okay.

01:55:12:28 - 01:55:20:22

Right. I don't have anything on, um, schedule 17, 8 or 18. Um.

01:55:25:15 - 01:55:30:29

Had a question on question 19, but I'm going to put it into written questions. Um.

01:55:34:29 - 01:55:47:22

Just conscious of the time. Um. Kind of move on to the next agenda item. Unless anything anybody else wants to cover anything in relation to, uh, articles or schedules that exclude schedule 3 or 4.

01:55:49:15 - 01:55:50:00

No.

01:55:50:07 - 01:56:03:24

So we have. But again, because of the time, it's a detailed point. We do have an issue where we're not in agreement with the applicant's approach to the Land Drainage Act and its exclusion via schedule 70, but we'll set that out in our deadline for submissions.

01:56:03:26 - 01:56:04:19

Thank you.

01:56:07:28 - 01:56:12:21

Moving on to schedule three and schedule four.

01:56:13:01 - 01:56:15:10

Excuse me, sir. Could I just interrupt? Sorry.

01:56:15:15 - 01:56:16:04

Yes.

01:56:16:07 - 01:56:27:04

Bronchitis, a baby. District council, mid Suffolk district council. Just to let you know that we also have, um, concerns in relation to, uh, article 48, but we'll make those in writing a deadline for. Thank you.

01:56:27:24 - 01:56:57:07

That's that's fine. I mean, as I said at the start of the the the opening of the discussion on the development consent order. Um, if I'm not asking a specific question, it's not because I haven't got questions on those that I don't want to cover them in or examination, but I'm happy for people to submit their, um, comments and views with regard to concerns they have at deadline for, uh, and the applicant will respond by deadline. Five um, in terms of requirements, um.

01:57:00:22 - 01:57:36:23

Had a question for Anglian Water, but they're not here. So I'm going to skip over that and put that into writing. Um, schedule three, requirement one uh interpretations discharging authority. Um, the applicant's provided a response at Q one. So first written questions development Consent order 1.5 and has removed this definition from that requirement and instead replaced it with a definition of relevant planning authority and relevant county planning authority. In article two, um, they've set out the revised wording, which hopefully people have had to look at and read.

01:57:37:05 - 01:57:54:11

Um, the applicant considers that the revised wording removes the ambiguity ambiguity Norfolk County Council identified by making it clear that in a two tier approach, the district planning authority is the primarily discharging authority in relation to um.

01:57:57:03 - 01:58:30:04

Retaining a separate, relevant county planning authority. Definition. This enables requirements to specify county level consultees expressly. And. And the third point that we're making is that the it avoids complication with any other authorities within the order limits that are or may become a unitary authority or a metropolitan district council for whom Norfolk County Council proposed relevant district planning authority. Definition. Sorry. They said that the Norfolk County Council definition that was proposed was not considered to be appropriate.

01:58:30:20 - 01:58:31:12

Um.

01:58:34:13 - 01:59:07:26

Lynn, be of that um definition also captured single authority scenarios. Uh, without requiring an exhaustive schedule, of which the county are unitary councils are unitary authorities, which would usually be unwieldy in the face of a development consent order. Um, can the county and local authorities confirm the revised wording is appropriate, um, and acceptable to them if they're already responding to this at deadline for I'm happy for you to defer to that, if that's what you would prefer to do.

01:59:10:22 - 01:59:59:28

Well, I think there are a number of points on, uh, that issue which we will pick up at deadline for, but so can I use this as just a brief opportunity to also ask through you whether the applicant is considering one of the points that we made. That's, I say Suffolk County Council in our deadline. Three uh, um, response to your ex Q where you asked a question about what does potentially local government reorganization mean for the discharge of requirements? And we simply, uh, opposed the problem of where you have, in particular an individual highway or street, which at the moment might

sit wholly within one authority, but which might in future, because of the way that local government boundaries might change, sit within two authorities.

02:00:00:03 - 02:00:28:27

Whether or not the wording that the applicant is proposing for discharge of requirements will still be apposite, when it may be necessary for the particular works affecting that particular street or highway to actually secure consents from two separate bodies, as opposed to one. And I say we would simply like to know that point is being thought about and then responded to rather than necessarily know what the response is.

02:00:29:08 - 02:00:47:21

I mean that that response is in your last. Well, you've made that submission throughout all of your submissions, pretty much, haven't you? Um, I'm sure, Mr. Harris, do you have a response from Mr. Bedford in regard to that, or is that something you want to respond to in writing the responses?

02:00:47:23 - 02:00:49:00

We are considering it.

02:00:49:22 - 02:00:53:09

Thank you, Mr. Bedford. Anything else to add?

02:00:54:14 - 02:01:44:28

Uh, no. Well, I'll touch on because it does touch on the requirements point, but I think, um, we are hopefully of the same mind as the applicant that it's a point to defer at this stage of the examination is the rather, um, new development that you raised in your excuse about the potential Den's unit becoming a discharging authority and how that should be handled in the course of the examination. And I think we are of the view, which I think is a view shared with the applicant, that that's probably a matter better grapple with slightly later in the examination, when we may have some more information about that unit, its remit, and how it may work, because it obviously has quite a big implication, but it's probably one that's better not tried to be grappled with too early.

02:01:45:00 - 02:02:16:07

I have a question about that specifically under schedule four. Um, and I mean, just to, to, to flag things up early because because it's unlikely probably get to this point before 5:00 today. But, um, if we're carrying this over into tomorrow, um, then I have a question with regard to, uh, National Grid submission on Grid Sealink, um, that, um, they've submitted just to, to flag it up. So you're aware of it? Um.

02:02:19:26 - 02:02:54:06

Where their approach. They've submitted a document called the Approach to adopting Disney's Requirements discharge unit for Sealink uh, which is document 9.15 for the examination. And it's literally just been submitted into that examination. So, um, just to flag that up, so you're aware that we'll be coming to that, so might help you with an answer. Um, is there anything else specifically on, um, the point I raised with regard to to these, I believe you said you weren't overly worried about responding to it in writing, and.

02:02:54:16 - 02:02:55:02

Yeah,

02:02:56:29 - 02:03:02:05

uh, I've got online as the first hand up.

02:03:03:06 - 02:03:17:27

Um. Yes, sir. Thank you, Richie Park for Norfolk County Council. So just to confirm, you obviously, um, read out some of our concerns and to confirm we're happy with the revised changes. Um, and we think that the issues that we picked up have been addressed.

02:03:18:09 - 02:03:22:09

All right. Thank you very much. And then I've got Eck, please.

02:03:24:18 - 02:03:56:26

Thank you sir, on behalf of Essex County Council. Uh, not everything that we that Essex put forward has been addressed, but we'll pick that up in writing to to flag two things. Um, first on, uh, Mr. Bedford's point about local government reorganization and successor success orders, we raised that point as well. So we're pleased that that's being considered by the applicant. Uh, and we had also picked up the the National Grid submission on Sealink in relation to the Desnos discharging, um, body.

02:03:57:07 - 02:04:16:24

Uh, and we certainly have been looking at that with interest and concern. And, uh, we look forward to being able to engage on that. But we recognize that that might need to be further on down the line in this examination. But it is a matter of of quite significant interest and concern. I know for us and for a lot of local authorities.

02:04:17:21 - 02:04:23:20

Yes. Okay. Understood. Thank you very much. Mr. Harris. Do you want to come back on anything?

02:04:23:27 - 02:04:44:08

I don't think so. I agree with my learned friend that now's not the time to deal with that. I was aware of the document that you've just spoken to. Um, we, of course, in a very different part of our examination than our Sealink and, um, uh, different timescales, different approaches apply. But we'll explain all that whenever we get to it.

02:04:44:21 - 02:04:51:02

I mean, my question when we do get to it is going to be about, um, consistency and uniformity of, of

02:04:52:17 - 02:05:02:21

national grids approach to these things. Understood. So, okay. Um, just moving on to stage, um, I've noticed what

02:05:04:14 - 02:05:19:13

the definition of stage has been an issue throughout the document, um, for county and local authorities. Um, the applicants retained the term stage within their current drafting. Um.

02:05:31:00 - 02:05:40:06

Just like to ask whether or not the county or local authorities have anything to add at this point with regard to the term stage, or whether or not you want to just submit that in writing at deadline form.

02:05:44:19 - 02:06:01:19

So I think it's probably better dealt with the deadline for, but I think we have been indicated by the applicant that something further is coming towards us, which may help provide a bit more clarity about what this process means, and therefore that might provide us with a degree more comfort than we think we've got at the moment.

02:06:01:21 - 02:06:06:29

Okay. Thank you very much. Is there anybody else that wants to say anything about the definition of stage, please?

02:06:09:22 - 02:06:22:22

Excuse me, Sarah Jones for the applicant. It was just to add that we have issued a outline written scheme of stages to the local authorities alongside the proposed ways of working for discharge of requirements for their comment.

02:06:22:27 - 02:06:38:21

Okay. Thank you very much for that. Um, I've got no questions on any other questions with regard to definitions. Does anybody else want to raise anything with regard to definitions within requirement? Sorry. Just back up requirement one.

02:06:42:02 - 02:06:54:26

But nobody indicating. So I'm going to move on. Um, no questions on time limits related to requirement two or stages of the authorised development, which is requirement three.

02:06:58:21 - 02:07:31:09

Don't need to ask anything for new construction management plans requirement for. But in terms of archaeology um the applicant's Response to first written questions. Um, in regard to archaeology, which was DC 01.8 uh has been noted. Um, and we also noted that the draft was missing the response, which you've rectified by the submission of a document on Friday. Um, and I just thank you for that.

02:07:31:11 - 02:08:06:05

Um, just firstly, in terms of that, when when you're naming the documents, can you, can you name them? If you're only adding to an existing document, can you call it an annex or an appendices to that document because it resulted in the original document being completely removed because it offsite, it looked like it was a replacement document, but replacing a 1000 page document with a ten page document can cause a few problems. Um, so that's just a request first. Um, but, um, anybody that's interested in that document, it's been registered as, uh, additional submission A.S.

02:08:06:07 - 02:08:27:04

090 and was uploaded onto our web page on Friday. Um, I just want to ask the county and local authorities if they have had an opportunity to review that updated document, which I doubt. Um, but if they have, um, would they like to make any comment on it today, or do you want to make a submission on it?

02:08:27:06 - 02:08:42:24

On, on. So I'm afraid we'll pick that up in a submission because uh, whilst we are now aware of it, it's not been reviewed by the archaeological. Uh, and as you know, it's quite a chunky subject. Uh, and so we'll deal with that as a written response.

02:08:42:26 - 02:09:01:28

That's fine. That's fine. I did think, uh, I'd written initially I'd written the question based on the fact that the document was missing. Um, but I just wanted to give an opportunity to anybody that wanted to raise a or make a comment in regard to it if they felt able to respond at this stage. Um, I've got one hand up online, which is J.R.

02:09:06:12 - 02:09:40:29

Thank you, said Julie Russell on behalf of National Highways. I just wanted to go back and note in connection with the construction management plans, which is a requirement for the National Highways have asked for approval for their approval to be sought in addition to the local planning authority, where, um, any amendments might affect the SRN. Um, I note in the latest version of the DCO, there's been some changes to incorporate, uh, National Highways as the relevant highway authority.

02:09:41:01 - 02:10:05:27

That that's just in the case of the construction traffic management. Um, National highways would also want to be consulted, um, in relation to, um, items or all of those items a through to D. Um, but it seems to me that we can make that submission in, writing for deadline for with full details.

02:10:06:18 - 02:10:12:16

That would be helpful. Mrs. Russell, if you could. Okay. Um, Mr. Harris, do you want to come back on any of that? No.

02:10:12:18 - 02:10:15:03

We'll wait and see. The, um. The remarks.

02:10:15:09 - 02:10:17:11

Okay, fine. Um.

02:10:19:12 - 02:10:28:27

I've got nothing on requirements. 6 or 7. Um, in terms of construction hours. Um.

02:10:32:20 - 02:10:41:20

Just conscious of the time. I'm looking at the time, Susan June, to adjourn at this point. Or do you want me to get to an actual point?

02:10:44:11 - 02:10:48:08

I'm going to get to requirement 14, and I've got questions on all.

02:10:58:00 - 02:11:06:14

Okay. Mr. Harris, is your team going to be available tomorrow to respond to DCO questions? Yes.

02:11:07:13 - 02:11:10:14

Russell Harris KC yes, I am told they are right.

02:11:10:16 - 02:11:11:02

Okay.

02:11:13:18 - 02:11:33:23

In that case, rather than go on to a question that might take a while to respond to in terms of construction hours, um, I'm going to, um, pass to, uh, Mrs. Hunt to, to adjourn the hearing and we'll resume from this point in the morning.

02:11:34:07 - 02:12:10:05

So I'm just going to, um, clarify and answer I gave a few moments ago. We don't have a noise team tomorrow, which is, of course, relevant to the issue of construction hours. Um, this is a very big issue. Um, certainly not capable of being done in nine minutes. It's going to be, um, an important, um, issue for the length of the project, etc., for the reasons I outlined previously. Um, would you just just bear with me a second? I'm just going to just make sure who we've got and who we haven't got.

02:12:10:07 - 02:12:10:26

Okay.

02:12:28:12 - 02:12:28:27

I don't know.

02:12:29:05 - 02:12:57:09

I haven't spoken to my friend or anybody else about the issue of construction hours, but it it does seem to me, uh, given its importance to be to be one that needs to be fully argued. Um, whether that full argument needs to be, um, live and oral or whether it whether it couldn't be, uh, by a passage of written reps, I don't know, but it's a it's a fairly fundamental importance. Um.

02:12:58:07 - 02:12:58:25

How do you do it?

02:12:58:27 - 02:13:26:08

I don't disagree with you, Mr. Harris. What? What I'm going to suggest, then, is that, um, the question I've got on requirement seven, I'm going to review, and then I will decide whether or not to put it into a written question under rule 17 or into second written questions, depending on the time, uh, for responses, etc. because obviously the rule 17 isn't until mid-May. So sorry, not rule 17, the second round of questions and sorry.

02:13:26:10 - 02:13:48:09

Um, one of the things that might be relevant to that is that Mr. Bedford has promised us a selection of um, submissions based on Sealink, etc., which we've not seen because they haven't been made yet. And that would fit your timetable a little more conveniently than having the argument now and then having to go back to review them in the light of further submissions, which he might make.

02:13:48:16 - 02:14:09:19

Yes, I would prefer to do that. So, um, in that case, in terms of the fact that you've got, um, limited noise assistance in the morning. Um, I'm going to defer that question, and we'll pick it up through written questions, and we'll resume at questions related to requirement eight, schedule three. So.

02:14:13:09 - 02:14:19:25

Yeah. Can I just check the local authorities are okay with carrying over the DCO to first thing tomorrow.

02:14:20:25 - 02:15:12:27

Uh, madam. Yes. So far as Suffolk County Council is concerned. Sorry, that's Michael Bedford, Suffolk county Council. Um, I should say, in relation to, um, matters of sealing, what we're intending to provide to this ex is effectively a synopsis of what is already in the examination for Sealink, which has led them to their conclusions. None of that, I suspect, is in any way a surprise to the applicant and the applicant's team. So I'm slightly surprised that that's being used as a reason why it should be dealt with are suggested, but I'm quite happy that it can be dealt with through written exchanges, because actually the debate has been had previously between the same parties, and we already know one adjudication on that debate.

02:15:20:04 - 02:15:21:14

Okay. Thank you.

02:15:23:03 - 02:15:39:13

Are they? Do any of the authorities have any objection to us carrying over DCO into first thing tomorrow, and then it'll be landscape and heritage as as advertised on the agenda? Okay, great. Anyone online? There's a hand up. Absolutely.

02:15:39:15 - 02:15:40:19

Fine. Thank you.

02:15:41:03 - 02:15:43:28

Okay. Thank you. Okay.

02:15:50:07 - 02:16:09:00

Just just a note on the action points as well. Um, we're not going to issue. Action points at the end of every day for for the issue specific hearing. We'll do those at the end of after Friday morning when we're finished. Um, but we have we have been making a note and I assume the parties have as well.

02:16:10:29 - 02:16:33:13

Um, the recordings from each day's hearings will be published, though, and the recordings and transcripts will be published as soon as possible. They won't wait until Friday. So before we adjourn today, I just like to thank all of the today's participants and for their time and assistance at this hearing. Today has been very helpful.

02:16:35:03 - 02:17:06:24

So issue specific hearing two will continue here tomorrow here in Colchester and online and will when we will complete agenda item six. The compulsory acquisition hearing is also taking place tomorrow. Second compulsory acquisition hearing. And obviously that's taking place concurrently. So at the same time at 10:00 and we as we've said in our agendas, we, we've we've made provisions for people that want to be at both.

02:17:06:26 - 02:17:14:01

So the people that are issue specific hearing tomorrow can speak at Thursday's compulsory acquisition hearing.

02:17:16:21 - 02:17:32:07

And the members of the examining authority, um, Ken Stone and Matthew Simms, who aren't with us today, they won't be with us tomorrow either, obviously, because they'll be at the compulsory acquisition hearing. But you'll see the same, same three examining authority panel members tomorrow.

02:17:34:18 - 02:17:43:28

Okay, so the time is now for 57 issue specific hearing two on Norwich Tilbury project is now adjourned. Thank you.